

SENATE—Tuesday, October 5, 1993

(Legislative day of Monday, September 27, 1993)

The Senate met at 9:30 a.m., on the expiration of recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:
* * * *hope thou in God* * * *.—Psalm 42:5.

Almighty God, Lord of history and Ruler of the nations, we pray for the President and the Congress. The tremendous pressure of domestic affairs—the economy, health care, violence and crime—are compounded by international crises which demand attention: Bosnia, Somalia, and now the explosion in Russia, cannot be ignored. In their fallibility, leadership needs to look to God.

The words of President Washington when he called the Nation to a Day of Thanksgiving in 1789 are relevant: "It is the duty of all nations to acknowledge the Providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor."

May the leadership of our Nation look to divine providence for guidance and wisdom.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 5, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2750, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

D'Amato (for Bond) amendment No. 1014, to make funds available to repair and rebuild airports damaged as a result of the Midwest floods of 1993.

The ACTING PRESIDENT pro tempore. The Senator from Virginia [Mr. WARNER] is recognized to offer an amendment.

Mr. WARNER. Mr. President, parliamentary inquiry. Is it necessary for the Senator from Virginia to ask that the pending business be laid aside?

The ACTING PRESIDENT pro tempore. I am informed that it is not necessary.

Mr. WARNER. I thank the distinguished Presiding Officer.

Mr. President, I am prepared to go forth with the amendment. For the moment, I see the absence of the managers of the bill. Accordingly, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are ready to resume debate on the transportation appropriations bill for 1994. I put an inquiry to the Chair to make sure we have a prescription for where we start here.

I assume we are now open to amendment, as we were when we concluded business last night?

The ACTING PRESIDENT pro tempore. The Senator is correct. Amendment No. 1014 has temporarily been laid aside so the Senator from Virginia may offer an amendment.

The Senator from Virginia is recognized.

AMENDMENT NO. 1015

(Purpose: To strike reference to minimum allocations under title 23, United States Code)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1015.

On page 54, line 14, beginning with "under", strike out all through "Code" on line 15.

Mr. WARNER. Mr. President, I would like to begin my discussion of this amendment by referring my colleagues to the CONGRESSIONAL RECORD dated August 5, 1992, page S11533. At that time the Senate was considering this same basic subject, ISTEIA, and actions by the Appropriations Committee which parallel in many respects the actions taken by the subcommittee on appropriations which are the subject of the pending bill.

I would like to read from that RECORD because this frames precisely the argument by the Senator from Virginia. It was covered by the Senate over a year ago.

At that time, the Senator from Missouri [Mr. BOND] offered the amendment. He started as follows:

Mr. President, I thank the chairman and the ranking member. The amendment I have sent to the desk is on behalf of myself. * * *

And he listed others, including the Senator from Virginia.

Our amendment, Mr. President, would simply return the minimum allocation under the highway program to the current law. For the first time since the program's creation, the committee bill places it under the so-called obligations ceiling, thereby restricting the funding available to the minimum obligation States.

That is precisely parallel in every respect to what has been done by the committee in the current bill. The Senator from Virginia is doing the same thing, asking the Senate to return ISTEIA to the exemption from the obligation ceiling.

This bill places that account under the ceiling, although for only 3 months, whereas last year it was for a full year. But this raises two fundamental questions which I will address in my remarks momentarily.

Question No. 1, why was it done? Time and time again the Senate has battled this issue. It is the famous donor versus donee State issue.

Why, why must it be done again, when last year, although the Bond

amendment received only 45 votes—and I will ask unanimous consent to have printed in the RECORD following my remarks certain documentation with respect to Senate action on that matter last year.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Why must we revisit once again here today a parallel action, albeit only for 3 months? The system is working. States are planning, doing their highway work. Why? Why? Why?

As near as I can determine, it was the judgment of, primarily, the distinguished ranking member, the Senator from New Jersey, and others, of a need to take highway funds and put them into general accounts for mass transportation. But he can best speak for himself. That is the first point I will raise.

Point No. 2 is, if the Senate allows this to continue—and I must say, we only had 45 votes last year. They can, under the rules, raise a point of order requiring 60 votes. In all probability, that will defeat the amendment of the Senator from Virginia. But if I am defeated in this effort, then it establishes a precedent, a precedent for future action in future years by this same subcommittee on appropriations.

I say to my colleagues from the donor States, let us not let that happen. Last year the Bond amendment failed, achieving only 45 votes. But those Senators who supported Senator BOND wrote a letter dated August 5, 1992, to the Honorable FRANK R. LAUTENBERG, and signed it. The letter said as follows:

As you head into conference on the DOT appropriations bill, we would like to inform you that we will be forced to discuss at great length—

That is a euphemism for filibuster—any conference report that does not remove the minimum allocation from under the obligation ceiling and fully fund the program.

We understand the constraints which your subcommittee faces; however, we believe fulfilling the commitments made in the Intermodal Surface Transportation Efficiency Act of 1991 require that this action be taken.

Mr. President, I am happy to inform the Senate that the conference committee did strike the very language parallel in form to the language I am seeking to strike today. We, for 1 more year, operated under what is referred to as current law. The Senator from Virginia intends to lead the same effort if this amendment fails today.

Mr. President, I ask unanimous consent the letter of August 5, 1992, be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WARNER. Mr. President, I rise again to bring to the Senate's atten-

tion yet another attempt by the Appropriations Committee to change the minimum allocation program.

I alert all my colleagues from the donor States to pay careful attention to this debate and the importance of this amendment. If donor States do not defeat this attack on the minimum allocation program, the future of this program to guarantee that each State receives a 90-percent return of their highway dollars is in jeopardy. I point out it is in jeopardy.

The opposition to my amendment will be able to clearly show in all probability we might not lose money. Donor States will reach the 90-percent return. But we will have established a principle allowing the subcommittee on appropriations and then the full Committee on Appropriations to have a precedent established that this account was brought from current law under the obligation ceiling, and that could be repeated again next year, for perhaps a longer time, and the year after. That is what we are fighting for: Principle; principle. Let that one word "principle" guide colleagues today as they determine their vote.

Once again, this debate is concerned with providing fairness and equity to the donor States. The donor States number less, as we all well know, than donee States. That is why this battle has gone on year after year. After extensive debate during the consideration of the Intermodal Surface Transportation Efficiency Act of 1991, and again in 1993 on the transportation appropriations bill, I regret the Appropriations Committee again proposes to make legislative changes.

I would like to add here, I was a member of the conference on the ISTEA bill because of my service, that I take pride in, on the committee of this body that has overall jurisdiction. So I have some knowledge, corporate knowledge, of how these attempts have been made through the years. That is why I urge my colleagues today to join with me to put an end to this thing. Let us once and for all let the donee/donor States live with this law, which was so carefully debated in past years, and not make a change in law.

The Environment and Public Works Committee has overview of this and the ISTEA. Regrettably, we do not have the votes on that committee. This is the only forum—right here on the floor—where we have been able to maintain some equity and fairness for the donor States.

The amendment I offer today simply would strike from the bill the limitations on obligating minimum allocation funds for the first quarter of the fiscal year. The amendment simply would return the treatment of this program to current law—leave it as it is—as authorized by the ISTEA.

Mr. President, I recognize that the managers of the bill will soon assert

that this amendment will have a significant impact on funding highway programs in this fiscal year. I respectfully dispute that and will address it once it is raised.

This amendment does not provide any additional funding for the Minimum Allocation Program. The amendment spends the same amount of money on the Minimum Allocation Program as the committee bill. The chairman, however, may indicate that supporting my amendment would result in the loss of highway funds for every State. I submit, however, that any offset for removing the restrictions on the Minimum Allocation Program should not be charged to other highway programs.

It is clear that the restrictions on minimum allocation gave the committee additional obligation authority to provide substantial increases for Amtrak operating expenses, the Intelligent Vehicle Highway System Program, new subway and light rail projects, and high-speed rail. That is where the funds have gone. So when you hear from your Governors and from those cabinet officers in your respective States who are responsible for the highway programs, they will tell you, they will confirm that this is where the money has gone, and it is up to each of you to determine whether or not that is in your State's best interest, this shifting of funds or the potential ability—that is the principle—the potential ability of the Appropriations Committee in years hence to shift those funds from roads to mass transit programs.

Mr. President, I support these mass transit programs, as we all do, but we should have a voice—every Member of this Chamber—with respect to his or her State as to the priority of the highway versus the mass transit funds. By maintaining the current law, the voice is retained by the individual Members and the individual States, but if this precedent is established, then much of that discretion leaves us individually and collectively and flows to the Appropriations Committee.

I do not believe, however, that those States that are already disadvantaged because of an egregious—and it is—and antiquated formula used to allocate highway dollars should bear the added burden imposed by the committee's limitation.

Let me be clear once again, the only effect of the Warner amendment is to remove the committee's restrictions on donor States using these funds in the first quarter of the fiscal year. The opposition may claim that the committee's restrictions on the Minimum Allocation Program will have no impact on our States because historically States have not obligated large amounts from this program in the first quarter. But I say respectfully in response to this argument, I ask the

chairman that if States traditionally obligate less in the first 3 months of the fiscal year than the \$302 million cap provided in the bill, what is the real intention? What is the real intention? If in reality the amendment has virtually no impact on donor States, why is this provision needed at all? If there is no intention by the Appropriations Committee to change the minimum allocation statute to begin to bring this program under the obligation ceiling, why is this provision needed in the committee bill?

Mr. President, Senators representing donor States should be concerned about this provision, and they must ensure that the Minimum Allocation Program remains an unrestricted program for our States.

To understand the reason for this amendment today, it is important to recall why the minimum allocation issue is so critical to donor States. It is simply an issue of fairness and equity. During the extensive Senate debate and the contentious conference, of which I was a member, on ISTEA in 1991, the Congress recognized the percentage of highway funds returned to all States should be 90 percent. That is the floor.

The Congress also continued in ISTEA the statutory exemption—that is the key thing—exemption from minimum allocation, which provides that it would be outside of the obligation ceiling. This exemption is necessary because of the specific purposes of the program to reduce the inequity in the apportionment formulas between donor and donee States.

To ensure that all States receive a minimum of 90 percent, the Federal Highway Administration must be allowed to provide whatever funding is needed to bring States up to the minimum level. Minimum allocation has been the only guarantee since 1982 to give States a reasonable expectation of the percentage of return they will receive annually from the highway trust fund.

This program is essential to enable States to plan—that is the key, to plan. It takes a lot of planning, years in advance in most cases in our States, to do these highway programs. How can you plan if this is removed from under the ceiling?

So, Mr. President, I yield the floor, and I am anxious to hear the response of the managers and others to this amendment.

EXHIBIT 1

[Rollcall Vote No. 170 Leg.]

YEAS—39

Bentsen, Bond, Boren, Bumpers, Chafee, Coats, Cochran, Cranston, Danforth, DeConcini, Dole, Durenberger, Ford, Fowler, Glenn, Graham, Gramm, Heflin, Kassebaum, Kasten, Kohl, Levin, Lott, Lugar, Mack, McCain, McConnell, Metzenbaum, Nickles, Nunn, Packwood, Pryor, Riegle, Robb, Sanford, Sasser, Seymour, Shelby, Warner.

NAYS—57

Adams, Akaka, Baucus, Biden, Bingaman, Bradley, Breaux, Brown, Bryan, Burns, Byrd, Cohen, Conrad, Craig, D'Amato, Daschle, Dixon, Dodd, Domenici, Exon, Garn, Gorton, Grassley, Harkin, Hatfield, Hollings, Inouye, Jeffords, Johnston, Kennedy, Kerrey, Kerry, Lautenberg, Leahy, Lieberman, Mikulski, Mitchell, Moynihan, Murkowski, Pell, Presler, Reid, Rockefeller, Roth, Rudman, Sarbanes, Simon, Simpson, Smith, Specter, Stevens, Symms, Thurmond, Wallop, Wellstone, Wirth, Wofford.

NOT VOTING—4

Burdick, Gore, Hatch, Helms.

So the amendment (No. 2884) was rejected.

EXHIBIT 2

U.S. SENATE,
Washington, DC, August 5, 1992.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR FRANK: As you head into Conference on the DOT Appropriations bill, we would like to inform you that we will be forced to discuss at great length any conference report that does not remove the minimum allocation from under the obligation ceiling and fully fund the program.

We understand the constraints which your subcommittee faces, however, we believe fulfilling the commitments made in the Intermodal Surface Transportation Efficiency Act of 1991 require that this action be taken.

Sincerely yours,

Bob Graham, David L. Boren, Don Nickles, John Warner, Howard M. Metzenbaum, David Pryor, Carl Levin, Larry E. Craig, Strom Thurmond, Connie Mack, Warren B. Rudman, Chuck Robb, Sam Nunn, Trent Lott, Dennis DeConcini, Alan Cranston, Wyche Fowler, Mitch McConnell, Bob Packwood, Dale Bumpers, Don Riegle, Herb Kohl, Jesse Helms.

Fritz Hollings, Alan J. Dixon, Kit Bond, Phil Gramm, Dan Coats, Conrad Burns, Pete V. Domenici, Richard G. Lugar, Jack Danforth, Steve Symms, Hank Brown, John Seymour, Malcolm Wallop, Al Simpson, Wendell Ford, John Glenn, Thad Cochran, Lloyd Bentsen, Bob Kasten, John McCain, Richard Shelby, Howell Heflin.

Mr. LAUTENBERG addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I heard very clearly the distinguished Senator's concerns, and the message is a little complicated. But I would like to start off by dealing with one question that the Senator raises. We have had lots of debate here about the minimum allocation; that which is returned to States based on the gasoline taxes they submit and the equity of those formulas.

This is a debate that has rung through these halls time and time again. I want to assure the Senator that there is no decline, no reduction in the minimum allocation that his State or other States get. That is established. The formula, the structure that the Senator makes reference to on the quarterly obligation, relates to the cash-flow problem.

I point out, as I have in private to the Senator, that if we proceed to strike the limitation on the first quarter distribution, we are looking at an increase in cost of some \$30 to \$35 million, and we would have to try to then reduce the obligation of the Federal highway ceiling by \$190 million to accommodate that cash-flow outlay.

Senator WARNER's amendment would strike section 310(D)(1) of the bill. This section, as presently constructed, places a first-quarter obligation ceiling on programs. It is similar to legislation that has been carried in the transportation bill in the past, last year in particular. I refer the Senator to subsection (B) of section 310, which imposes, as he is aware, the first-quarter obligation ceiling on the regular Federal Aid to Highways Program.

The section in question, subsection (D), imposes that ceiling on the rest of the Federal Aid to Highways Program, including the Minimum Allocation Program. It does not reduce the annual minimum allocation commitment.

All Senators, particularly the Senator from Virginia, have always made us aware of the need to be responsive to their States' needs and to be fair and equitable in distributions that we have. We try to maintain that position.

We do share a committee together, the Environment Committee, and the Senator correctly points out that we worked very hard, he in particular, I as well, on establishing the ISTEA bill which substantially changed the structure of our transportation activities in the country. It also at that point raised the minimum allocation from 85 to 90 percent.

So I wish to assure the Senator from Virginia this is not an overall obligation ceiling on the minimum allocation program. It is simply a benchmark, a first quarter control, and is exactly the same as the first quarter control that is imposed on the regular Federal Aid Highway Program. The Senator ought not to be concerned that this committee is trying to make any inroads on the minimum allocation. There is no subterfuge, no fancy footwork to in any way reduce the minimum allocation.

More important than that, though, I tell the Senator that the Federal Highway Administration estimates that his amendment removing the first quarter obligation control will increase the outlays associated with this bill by \$30 million to \$35 million.

Now, if Senator WARNER's amendment is accepted, I will at final passage, in conformance with the Senate rules that require the bill to remain within its 602(b) allocation, have to offer an amendment reducing the Federal aid highway's obligation ceiling by \$190 million. That is the only way we can conform to the change the Senator is proposing.

I do not want to do that. We have all worked very, very hard to eke out, to

squeeze out every drop of resource that we can get, and it is not an easy task, neither is it intended nor is it arbitrary in any way. The obligation ceiling presently in this bill is at a historic high—\$18.02 billion. But if Senator WARNER persists and the amendment is adopted—and we hope that that will not be the case—I will have to counter the increased outlays associated with his amendment.

I hope the Senator will withdraw the amendment. I assure him that it is not my intention to restrict the minimum allocation obligation to restrict States' use of those presently or to impose an overall cap on the program. I believe that imposing this first quarter obligation ceiling is within my jurisdiction since it is the Appropriations Committee which is charged with the outlays not only for the minimum allocation program but for ISTEA demos, emergency relief program, the regular Federal Aid Highway Program.

The Senator pointed out that some of these funds might be alternatively used for other programs, and in fact they are distributed over a whole array of programs over a wide number of transactions affecting transportation development in the country and over every State in the country. The Senator's State, Virginia, is a recipient of some very hard work to provide money for WMATA, which its citizens use to come to work and to travel back and forth. That is squeezed almost like blood out of a stone. It is very tough.

Now, if the Senator would have us reduce that so we can go ahead and distribute this money earlier than the formula calls for, well, then perhaps an appropriate amendment will be due if his amendment succeeds. And I look to him to take the lead on that and cut WMATA's allocation by \$190 million. That will wipe them out.

Mr. President, the mission here is not to pull tricks, no sleight of hand. It is designed like any business that operates with a plan must work, and that is what is the cash flow for the year? What are your outlays going to be? When do you expect them to happen? So you can plan. I know that is an unusual characteristic around here, planning. It is not a foreign word. It is part of our vocabulary. It does not seem to be part of the act.

But that is the way this program developed. This has nothing to do with the request made by the Senator from Missouri [Mr. BOND]. That was a minimum allocation discussion.

As far as I know, we are not revisiting that.

I oppose, in case it is not apparent, Senator WARNER's amendment. If this amendment is offered on the basis of the experiences of the past, I assure the Senator he has nothing to fear in this 1994 bill. I hope he withdraws the amendment. If not, I will have to oppose him, ask for the yeas and nays on

the amendment, raise a budget point of order because under the rules any increase in outlays has to be accompanied by offsets. If I fail to defeat the amendment, then I will have to offer the amendment that I described reducing the Federal aid highway obligation by \$190 million.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, to assist our colleagues following this debate—and, indeed, my good friend, the Senator from New Jersey, has expressed the complication of what is taking place here, and I agree—I would like to see if we can focus on two questions.

The Senator is correct. You will have to make an amendment if I were to prevail to add just those funds. But I think in fairness you should tell our colleagues that you could reduce other accounts. You do not have to go to the highway account if you have to restore some funds. You could do it in other ways. As a matter of fact, you could go to those pockets, those deep pockets into which you put the added money by virtue of the bill as it is drawn today, primarily in the Northeast corridor.

I take judicial notice of the fact that my two good friends, the managers of the bill, have some affiliation with the Northeast corridor. I mean no disrespect to them at all. If I were in their position, I think I would do the same thing. But you have the discretion, I say to the Senator, to go into the highways.

I say to you, you have the discretion, if my amendment were to prevail, to get it anywhere within your bill. So I pose the question: Am I not correct?

Mr. LAUTENBERG. Did I miss the question of the Senator?

Mr. WARNER. Well, I had attempted to phrase it, but I will rephrase it.

Mr. LAUTENBERG. I missed the last sentence, Mr. President.

Mr. WARNER. That is all right, Mr. President.

Mr. LAUTENBERG. I missed the last sentence. If the Senator would repeat it. I had all the sentences before that. I have them permanently locked.

Mr. WARNER. The question is simply this. I concede that if the Warner amendment carries, you will have to make adjustments—

Mr. LAUTENBERG. Right.

Mr. WARNER. Dollarwise in the amounts obligation and outlays as stated to the Senate.

Mr. LAUTENBERG. Right.

Mr. WARNER. But you seem to indicate to the Senate you could only go to one pocket, basically highway funds, to get those dollars for adjustment. I say to you, Do you not have full discretion to go to any number of pockets, including those deep pockets which have been so generously filled by my colleagues

from the Northeast corridor affecting mass transit and other areas?

Mr. LAUTENBERG. I remind the Senator I heard that portion of his comments.

Mr. WARNER. Well, the question is, Do you not have complete discretion to go to a variety of pockets?

Mr. LAUTENBERG. The committee has discretion. The subcommittee has a review process, a development process, as the good Senator knows, where we review all of the transportation obligations that this country is trying to fill.

We are as delinquent as could be in things like commuter service, transit service. This is not to say that our highways are right. If the Senator maybe would like to raise the gas tax by a buck a gallon we could do these jobs, fix those. Would the Senator propose something—

Mr. WARNER. Mr. President, the Senator answered my question when he said yes. The committee has the discretion. That is all I wanted to point out to the Senate.

Mr. LAUTENBERG. Mr. President, I do have the floor, I think. If not, I ask for the floor.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. LAUTENBERG. I heard him yield.

Mr. WARNER. Mr. President, the colloquy on my first question has been completed. The Senator answered it. Yes. This action gives the discretion to the distinguished chairman and ranking member of the subcommittee to make recommendations to their subcommittee and then to the full committee of appropriations. That answers my question.

But I come back for the second question. Let us narrowly focus this debate. Why must we do this? Why must we establish a principle for the first 3 months of bringing it under the obligation ceiling? Why must we do that?

Mr. LAUTENBERG. Mr. President, just so that we are clear, I thought that the Senator from Virginia had asked to raise a question. I do not want to get stuck in a parliamentary debate here. I am happy to answer it. But when the Senator says that after one word answer, yes, that he is satisfied, then I would submit the Senator is not familiar with the programs that we have.

We have an obligation under ISTEA to do as much as we can to take care of the transportation needs of the country. It includes relieving congestion. It includes making sure Amtrak goes through Virginia. They are looking at high-speed rail. We are looking at their commuter service based on service from WAMTA which I described. They get almost \$200 million a year. Sure. There are other programs that we can take things from. Perhaps the Senator would like to recommend we slice the Coast Guard by a couple hundred million dollars. That sounds like a place that we might want to reach.

I am being facetious, obviously, because there are many, many valuable services that are performed under the transportation bill. We have an obligation to review them fairly.

I frankly must tell you that I do not understand what this fuss is about because in fact there is no loss of funds under the minimum allocation. This is a change in distribution. This is a lot of money that lies dormant in accounts that have been obligated and not yet spent. I am not talking particularly about Virginia because I do not know otherwise. I would be happy to discuss that.

But the fact is we have tried to be fair and balanced. This has been a very contentious issue. In ISTEA we sat down and revolutionized transportation policy in this country. We said for a State like Virginia, perhaps, or another State, if they choose to use all of their highway money one way, that is their prerogative.

If they choose to use some of it for transportation, for transit needs, that is their prerogative. We tried for the first time to have a degree of flexibility in the way funds were used.

The good Senator, the distinguished Senator from Virginia, makes reference to the fact that we feed the Northeast corridor. Mr. President, the Northeast corridor does include New Jersey; it includes New York; it includes Connecticut; it includes Massachusetts; it includes Rhode Island. It includes about a third of the population of the country.

Is the Senator from Virginia saying that no matter how many people use this facility, no matter how many people travel through it, the fact is that we ought not to upgrade the safety, we ought not to make it more efficient, we ought not to deal with the problems? The Senator has been on Amtrak. He knows what that equipment looks like. Most of the passenger load is in that area. We do not ask the passengers whether they come from New Jersey or New York. It is available. It is part of a national asset.

So, yes, we do have prerogatives. We do have options. We do have choices. So has every other subcommittee in appropriations. That is the nature of things. We made a tough decision. We scrubbed these numbers until they were whistle clean. And we came up with \$2.7 billion more for highways this year than we did last year.

And the Senator from Virginia's constituents as a result will benefit from improved highway facilities.

The Senator is absolutely right. So it is simply a question of whether or not after all the arduous effort that has gone on before, that he would change the formula and have us reallocate, redistribute, the \$190 million it will take to accommodate this.

I hope not. I think that we bared this situation fairly thoroughly. I do not

know whether other Senators intend to speak. We are not—Mr. President, I want to make it clear—we are not for any who are listening or paying attention to the discussion, any of the other Senators, we are not putting minimum allocation under the obligation ceiling. We are only putting a first quarter control on spending, cash flow.

The minimum allocation program is exempt from an obligation ceiling for the year. Virginia will be able to obligate all of the \$72 million it receives under the MA program, minimum allocation program.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, narrowly focusing the argument, the position of the Senator from Virginia and the purpose of the amendment is to maintain the current law which has been in existence since 1982, leaving this program outside the obligation ceiling. I say most respectfully, the Senator from New Jersey, the manager, the chairman of this subcommittee, by virtue of this 90-day provision it has the effect of bringing under the ceiling. It is as simple as that. That is the debate. And it is an effort to bridge the minimum allocation program in a de facto manner under the discretion of the appropriations committee contrary to what we have had for years since 1982.

I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise today to support the amendment offered by the distinguished Senator from Virginia, Senator WARNER.

I am pleased to be a cosponsor of this amendment which would remove the restrictions on the use of minimum allocation funds.

Mr. President, I would like to express great concern about the unfair treatment of donor States in this appropriations bill. Historically, donor States have paid far more in taxes than they have received in transportation construction. In fiscal year 1992, South Carolina received only 80 cents, I repeat, 80 cents from every dollar that our citizens paid into the highway trust fund.

Mr. President, the changes to the minimum allocation funding in this appropriations measure is not only unfair, it is also a direct attempt to circumvent the provision debated and agreed to in ISTEA, which is the Intermodal Surface Transportation Efficiency Act. The minimum allocation program ensures that donor States receive not less than a 90-percent rate of return on the tax payments made to the highway trust fund. The minimum allocation program is essential in maintaining some level of funding equity among the States.

This bill limits first quarter obligations for the minimum allocation fund

to 15 percent of the total amount available to States. Mr. President, this would cause a \$2.5 million reduction in funding that would otherwise be available to the South Carolina Department of Transportation in the first quarter of the next fiscal year. While I realize that the committee bill does not reduce the total amount appropriated under this program, I do recognize it as another penalty against donor States. South Carolina ranked last in Federal gas tax returns in 1992. We should not be further penalized by temporarily withholding any of this funding.

Mr. President, donor States have made sacrifices since the inception of the Federal Interstate Highway System in order to create an efficient National Highway System. I believe that we have fulfilled this mission and it is not time for donor States to be able to improve their own road networks. I strongly oppose any attempts to make changes to the minimum allocation program.

Mr. WARNER. Mr. President, I thank my colleague, and I ask unanimous consent that the following Senators be made original cosponsors of the pending amendment: Senators THURMOND, GRAHAM of Florida, COATS, LUGAR, BOREN, HOLLINGS, HELMS, and FAIRCLOTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I would like to read at this time from page S11541 of the CONGRESSIONAL RECORD of August 5, 1992, when the Bond amendment—which I feel is similar in concept and parallel in objective—was voted on by the Senate.

Those Senators supporting the Bond amendment were as follows: Senator BENTSEN, Senator BOND, Senator BOREN, Senator BUMPERS, Senator CHAFEE, Senator COATS, Senator COCHRAN, Senator CRANSTON, Senator DANFORTH, Senator DECONCINI, Senator DOLE, Senator DURENBERGER, Senator FORD, Senator FOWLER, Senator GLENN, Senator GRAHAM, Senator GRAMM, Senator HEFLIN, Senator KASSEBAUM, Senator KASTEN, Senator KOHL, Senator LEVIN, Senator LOTT, Senator LUGAR, Senator MACK, Senator MCCAIN, Senator MCCONNELL, Senator METZENBAUM, Senator NICKLES, Senator NUNN, Senator PACKWOOD, Senator PRYOR, Senator RIEGLE, Senator ROBB, Senator SANFORD, Senator SASSER, Senator SEYMOUR, Senator SHELBY, and the Senator from Virginia, Senator WARNER.

As I stated earlier, a supplement letter was signed by this basic group, together with five other Senators, whose names I will add momentarily to the list of those that have supported the action in 1992.

Mr. President, I further ask unanimous consent that Senator DANFORTH be listed as a cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I would like to point out, if I may, to our good friend from South Carolina, that

this does not change the overall ceiling on the minimum allocation; that whatever South Carolina was going to get, they will get. Though it is fair to the Senator from Virginia to confirm the fact that the first-quarter distribution is going to be at a slower pace.

That is true for all States. There is no one being singled out. There is no discrimination in place, or intended. The fact is that this process was developed to permit us to deal with as many requirements as we had for transportation. That means all transportation programs. Obviously, highways dwarfs all other programs by virtue of the sums of money that are allocated to highways. There is no attempt to make adjustments between one or to favor one type of transportation mode over another.

This country needs a balanced transportation network. Some may agree a little more about transit; some insist that highways are a better way to go. We tried in ISTEA—and, again, the good Senator from Virginia was there—to strike a balance and to provide the flexibility that I talked about moments earlier. The minimum allocation adjustments were made. They were increased at that time from 85 to 90 percent. That is the way they stand. A debate about that is, I guess, always in order. But this is an appropriations bill. What we are doing is we are meeting the obligation ceiling as laid out by formulas in conjunction with the Federal Highway Administration.

South Carolina, Virginia, and New Jersey will get their full highway obligation commitment. South Carolina will get \$4.6 million this year. It is a minimum allocation figure. That is what South Carolina is going to get.

Virginia is going to get the \$72.3 million that it was allotted under the formula. There is no reduction in the minimum allocation for the year. If one takes the first quarter, it does not meet the timetable that one might associate with the minimum allocation. But when the year is over, everybody will have had an obligation that meets their—there is no cap on the obligation ceiling; it is a minimum allocation.

So that is where we stand, Mr. President. My colleague, the ranking member, looks as if he has something to say, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I think it is important to understand that nobody wants to attempt to say what States can or cannot draw down. We are in a fiscal bind. As a result of this control—it is a device by which to control cash flow—every State will get every single penny that it is entitled to. We do not reduce any, but for the first quarter we ask you to stay within this limit. If you stay within that limit, it gives us the ability to manage our flow under the allocation formulas,

under that which we are given in our budget, to provide an additional \$188 million.

Let me tell you what takes place if the amendment of the Senator from Virginia is agreed to. We would have to go back and cut 188 million dollars' worth of programs. Is that what you want to do? If you want to, that is what we will do. If we want to argue about States rights, we have no argument with that. But this is a practical fact, a practical impact. The impact is that we will reduce programs—highway programs, essential programs—by \$188 million.

The period of time we talk about, as a practical matter—and I heard the Senator from Virginia give reference to this, and he is absolutely right—is during the period of time when we are not obligating in spending those moneys, in any event. So if we were really impeding States, et cetera—you say you should not be doing this. They can let the contracts out. They know with certainty that they are going to get every single penny.

The fact of the matter is that you do not generally begin to use those moneys until after the first quarter of the fiscal year, in any event.

So what we are doing here is arguing something that sounds like really somehow we have a detrimental impact on States and we should not be doing it when, indeed, in managing the cash flow we provide \$188 million more to States that they otherwise would not get for transportation needs.

I do not want to go back to the drawing board and figure out whose \$188 million is going to be lost, because I want to tell you something. Everybody has projects that are necessary, that are deserving, and we do not have sufficient funds to fund it all. There are bridges that are necessary.

You see us battling, pushing, shoving to find out where does the money come from, and we just do not have it all.

So if the Senator is successful in this amendment, the principle that says this is the States' money, they can draw down upon it at any time, we say look for the first quarter only 15 percent, he carries the day, and we lose \$188 million in necessary brick and mortar in infrastructure, bridges, roads, and highways. I think that would be a shame.

For that reason, I will be opposing the Senator's amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague for his comments.

Mr. President, the Senator from Virginia does not wish in any way to be dilatory at this point in time on this amendment. There are a number of Senators who have joined as cosponsors. There are a number of Senators who had taken a part in the debate in 1992 on an issue which I believe is par-

allel in almost every respect to the one raised by the pending amendment of the Senator from Virginia.

So I just simply say I urge those colleagues who wish to address this issue to do so and do so in a timely manner, because I would be happy to ask for the yeas and nays at the appropriate point here and proceed to allow the Senate to make a determination as to what its will is on this amendment.

I have just received a communication that Senator KOHL desires to be an original cosponsor, and I ask unanimous consent that he be so listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I also wish to advise my colleagues that the Secretary of Transportation of Virginia, Mr. Milliken, has communicated with secretaries of transportation in the donor States. That communication essentially follows the lines of the debate that the Senator from Virginia has framed this morning. But he has put them all on alert that, in his judgment, as a seasoned administrator of a State highway program and one who has worked in this area for much of his lifetime, this provision currently in this bill is precedent setting and the provision will allow the Appropriations Committee, if it is adopted by the Senate, to control the minimum allocation account in the years to come. It is simple as that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me make another point here.

Why should we have any controls? Why do we not throw out the whole kit and caboodle?

The distinguished friend and great friend and Senator from Virginia points to this one program. It is \$2.117 billion, and that is a lot of money. We are trying to get cash management here, cash flow.

But the basic highway program also has a control and that is \$18 billion, \$18 billion, and we have a control. We say you cannot spend more than 25 percent. The reason we do that again is that you simply could not—first of all, your budget outlays would be such that we would have to reduce the overall highway program by billions of dollars. If we did not have a cash flow, we would actually lose tremendous amounts of money.

Here we are attempting to set a formula so that in the fullness of time every State will actually benefit, including Virginia, as a result of this. Otherwise, what we are going to have is a reduction across the board of \$188 million out of the \$2 billion, roughly, that this amendment addresses.

So it is not that we have singled out these States, the donor States. We have not. There is a control system whereby we say the first quarter there

is a cash control for the rest of the States and the rest of the programs called the basic highway program. That is infrastructure, maintenance, bridges, surface transportation, and the Federal Land Highway Program. They all flow under the same and similar kind of restriction that says they can only spend 25 percent of their money during the first quarter.

Absent that, it would cost us, in terms of the total amount of money we are able to allocate for road and highway construction, probably close to \$1 billion we would lose. Does that make sense? I do not think so, just in the name of saying we are going to give States more independence to operate this.

I am for States rights, but again this is management of moneys which we have a responsibility to see that we leverage and get the most for our taxpayers. I think that is where we are.

So it is a rather simple matter, and I would hope that we do not becloud it with this issue that somehow we are taking money and straining the use of dollars to a State when they are going to get every single penny under the formula, every penny.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I just wanted to respond to one reference the Senator from Virginia makes repeatedly, and that is to use the debate in 1992 as a point of reference to point out that this is an extension of the same argument and, therefore, we have an unresolved problem. I point out with all due respect that debate was not about this subject. That debate had to do with whether or not the minimum allocation was, in essence, fair or unfair.

I point out that there was extended debate. The side that I was on prevailed in that debate. But when we went to conference, we made adjustments to try to accommodate the donor States.

That had little to do with whether or not there is a cash distribution or obligation resource distribution one quarter to the next.

The Senator from New York pointed out we are talking about 15 percent in this first quarter. Sure, everyone knows that 15 percent is not one-fourth of 100, but it was designed to give us the maximum flexibility to extend the spare resources that we have to cover as many situations as we can. Some have faster spendout programs; some are slower. Highways are relatively slow unless they are maintenance and rehab funds.

So, I think, Mr. President, it is fair to say that we have a bill here that is already overdue, that we can hang on to for extended periods if we would like to.

If there is an issue, and every Senator has a right to disagree with the

conclusions that the committee came to, then I think, Mr. President, in fairness we ought to move to try to resolve it. If there is a vote going to be called for, then we ought to try to move it. If not, then this debate will simply linger on.

We have heard the arguments. They do not get better; they often get louder, and it does not bring any light; it brings heat.

I hope that we will be able to resolve this issue one way or the other.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I repeat my willingness to cooperate with the managers of this bill and to expedite the work of the Senate.

It is not the intention of the Senator from Virginia to bring this matter continuously up and be dilatory. So I alert those colleagues who may wish to speak to this matter from the perspective of the Senator from Virginia to come to the floor as soon as convenient. Otherwise, I will simply ask for the yeas and nays, and we will proceed with a vote.

I point out that this provision which the Senate Subcommittee on Appropriations has placed in their bill is not in the House bill and will be a conference item.

So, while we may not muster the votes today to support the position of the Senator from Virginia, I would suggest that a strong vote in support of my amendment would make this a more credible conference item, and that in a manner similar to the manner in which we handled the 1992 debate, namely, banded together and indicated a willingness to speak at length on the conference bill is a course of action we are likely to take.

The distinguished manager of the bill from New Jersey pointed out that accommodations were made following the 1992 debate. That accommodation is plain and simple. The provision was stricken in conference from the bill. You might call that accommodation. I say it was clearly a reaction by the conferees to the minority here in the Senate from the donor States that made their case very clear.

Mr. President, at this time I wish to add to the list of Senators who support this. I read from page S11541 of the CONGRESSIONAL RECORD of August 5, 1992, those 39 Senators who supported the Bond amendment. Then when the letter went forward the Senator from Alaska [Mr. MURKOWSKI]; the Senator from Montana [Mr. BURNS]; the Senator from Idaho [Mr. CRAIG]; the Senator from Wyoming [Mr. WALLOP]; and Senator DIXON joined bringing that number up to 44. That was the total number of Senators who signed the letter. Of course, that letter is in the RECORD.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I know I should not be surprised to be debating the minimum allocation requirement again. But I am disappointed that this committee is again attempting to restrict highway funds designated through the highway trust fund for donor States.

The issue of minimum allocation is extremely important to donor States. These are the States who have for many years been making large contributions into the highway trust fund but have not been receiving adequate return for these taxes.

Mr. President, it really is an issue of fundamental fairness. The highway trust fund was established in 1956 as a way to fund the Interstate Highway System. However, its original purpose is virtually complete since almost all of the Interstate Highway System is now open to traffic. But States like Indiana continue to pay taxes into the trust fund without receiving an adequate return.

In 1982 it was recognized that there were essential inequities in the highway trust formulas. It was decided that these donor States should receive, at a minimum, 85 percent back after the disbursements under the highway trust fund formula were made. Although still inadequate, this was an attempt to increase the number of the dollars going back to donor States.

Just 2 years ago, when considering the reauthorization of the Intermodal Surface Transportation Efficiency Act, the donor States fought hard to completely overhaul the highway trust fund formulas. In my opinion, these are outdated and unfair. We lost this battle.

But after many months of heated discussions and lengthy debate, it was agreed at the end that donor States would receive an increase in their minimum allocation to 90 percent. This was a deal which was agreed to and voted on in 1991.

But once again, the framers of the appropriations bill have violated the spirit of this agreement by seeking to limit the funds available to minimum allocation States. We saw it happen last year when they moved to put the minimum allocation funds under the budget ceiling, thus reducing the amounts promised to donor States. And we are seeing it again now as they try to limit the funds donor States can access.

Mr. President, this move demonstrates that the committee does not intend to honor the commitment made.

The Senator from Virginia's amendment would restore the commitment made to donor States by removing any restriction. His amendment is about fairness and honoring deals. I urge my colleagues to vote in support of his amendment.

Mr. KOHL. Mr. President, I want to join my colleague Senator WARNER in expressing my objections to the portion of the fiscal year 1994 Transportation appropriations bill which reneges on the agreements made with donor States such as mine.

Two years ago, when the Senate debated the Intermodal Surface Transportation Efficiency Act [ISTEA], one of the most hotly contested issues was funding equity among States. At that time, I joined with my colleagues in opposing any continuation of transportation funding allocations that did not treat States equitably. In recognition of the these concerns, ISTEA reaffirmed the commitment made to donor States through the Minimum Allocation Program [MAP] of the Surface Transportation Assistance Act [STAA] of 1982. This program compensates States that pay more into the highway trust fund than they receive in highway grants. The importance of restoring equity in transportation funding was so integral to the STAA and ISTEA, that these laws clearly exempted the MAP from the obligation ceiling. This promise was absolutely necessary to assure that the equity achieved for donor States would not erode through the appropriations process.

Last year's transportation appropriation bill ultimately kept the important promises made to donor States. In spite of the fact that the Senate fiscal year 1993 Transportation appropriations bill included the MAP under the obligation ceiling, the conference report ultimately excluded the MAP from the obligation ceiling.

Mr. President, this year's Senate Transportation appropriation bill once again attempts to renege on the promise made to donor States. But unlike last year, this year's bill attempts to whittle away at the guarantee made to donor States in a much more subtle manner. Instead of simply placing the MAP under the obligation ceiling as last year's bill did, this year's bill starts to place unauthorized funding restrictions on the MAP program, by limiting the funds allowed to be obligated under the Minimum Allocation Program in the first quarter of fiscal year 1994 to 15 percent of the total fiscal year 1994 appropriation for that program.

This requirement is in direct conflict with the promise made to donor States through the Minimum Allocation Program of ISTEA. This requirement sets the dangerous precedent of placing additional funding restrictions on a program which has been explicitly ex-

empted from these restrictions by current law.

I believe it is fair to say that many of the donor State Senators would never have supported passage of the ISTEA bill if they had not been guaranteed that the MAP program would be insulated from erosion through the appropriation process. To go back on that agreement, as this appropriations bill does, is to reopen that debate, and in my opinion, it is irresponsible. I urge my colleagues to vote in favor of the Warner amendment.

Mr. FAIRCLOTH. Mr. President, I stand to speak in favor of Senator WARNER's amendment, of which I am a cosponsor, to strike language amending ISTEA. The bill before us, as currently written, is unacceptable to North Carolina, Virginia, and the other so-called donor States.

I was not here during the debate over the Transportation bill in 1992, but I was North Carolina Highway Commissioner for 8 years in the 1960's, and I know what it is like to be a donor State. It is not an enviable position to be in. North Carolinians do not like paying taxes any more than anyone else in the country—and they sure do not like getting back less than they paid in.

But from what I see, a lot of progress was made in ISTEA to bring some common sense and equity to the highway program. Prior to ISTEA, North Carolina was getting back about 75 cents to the dollar of Federal gas tax receipts. Now we are getting about 87.5 cents, not the 90 percent we are supposed to be getting, but a good deal better than things were a few years ago.

Now, after all this progress has been made, we see in the bill before us a small provision—some say inconsequential—which restricts the amount a State can spend of its minimum allocation to 15 percent in the first fiscal quarter.

"No big deal," we are told, "Your State will still get its money." Well, as a former highway commissioner, I can tell you it is a big deal.

After States like North Carolina fought long and hard to get back a reasonable portion of their contributions to the Federal highway fund, we are not going to take lightly any tinkering around with the manner by which we get our fair share.

Mr. President, as I said, I was not here when we last debated the minimum allocation issue. But it seems to me that the whole point of that debate was to provide donor States like North Carolina with a certain amount, one they could count on, in exchange for their willingness to foot the bill for States on the receiving end.

By restricting the amount a State can spend of its fair share, I think the Senate reneges on that agreement. If it is not a big deal, then let us just vote in favor of the Warner amendment and

be done with the issue. Now is not the time to tinker with ICE-TEA, and now is not the time to encroach on the rights of donor States to receive their fair share in an appropriate and timely manner.

Mr. President, I ask unanimous consent that a letter from Secretary Sam Hunt, of the North Carolina Department of Transportation, be inserted into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NORTH CAROLINA,
DEPARTMENT OF TRANSPORTATION,
Raleigh, NC, October 4, 1993.

Hon. LAUCH FAIRCLOTH,
Hart Senate Office Building,
Washington, DC.

DEAR LAUCH: As you know, the "donor" states have worked together for several years to protect our interests in the federal transportation appropriation process. An important part of that work may be threatened.

The Senate Transportation Appropriations bill amends the Intermodal Surface Transportation Efficiency Act (ISTEA) to restrict the amount of Minimum Allocation funds that can be spent in the first quarter. While this may not have a short term practical effect on our programming, it could set a dangerous precedent toward bringing the entire Minimum Allocation program under the obligation ceiling.

Minimum Allocation funds currently are outside the obligation ceiling, and bringing them under the ceiling would reduce the amount the donor states would receive, compounding further the disparity between donor and donee states. While the above bill does not specifically move the Minimum Allocation funds under the ceiling, it could be a step in that direction.

I am told that Senator Warner and others may propose an amendment to strike the bill language referencing section 157 of title 23, which would alter the MA program. I would urge you to support any effort to retain the full effectiveness and intent of the Minimum Allocation Program.

I appreciate your help and support. If you have questions or require additional information, please call Ms. Hannah Byron in North Carolina's Washington Office.

With warmest personal regards,

Sincerely,

SAM HUNT.

Mr. FEINGOLD. Mr. President, I am voting with the Senator from Virginia [Mr. WARNER] on his motion to waive the Budget Act so that his amendment to strike the provisions inserted into the appropriations bill which alter the statutory guarantee that highway trust fund States receive at least 90 percent of their contribution can be considered on the merits because I oppose the action taken by the Appropriations Committee in this regard. Wisconsin is, of course, a donor State and sends more highway tax money to Washington than it receives back from the highway fund.

I am very disappointed that the Senator from Virginia did not include in his amendment an offset so that a budget waiver would not have been required. However, all of the parties in

this debate have made it clear that if the amendment of the Senator from Virginia prevails, an amendment would immediately be offered to reduce other accounts in the bill to bring it below the budget ceiling. With that understanding, I support the motion to waive the Budget Act with regard to the Warner amendment because I believe his amendment is clearly correct on the merits and I want to send as strong a signal to the conferees that this inequity should be corrected in conference.

Mr. LAUTENBERG. Mr. President, we have had a good airing of the amendment from the Senator from Virginia. I believe that this would cause us to change the structure of the bill.

Therefore, Mr. President, I raise the point of order under section 602(c) of the Budget Act, as amended, that the amendment provides outlays that are in excess of the subcommittee's 602(b) allocation under the fiscal year 1994 concurrent resolution on the budget and is not in order.

Mr. President, we await the decision of the Chair.

The PRESIDING OFFICER. The Senator has made a point of order. The Chair is prepared to rule.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I move to waive the Budget Act with respect to this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I ask the Senator from Virginia [Mr. ROBB], be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I wish to inform my colleagues that the Senator from Virginia feels he has expressed in the course of this debate, some 1½-plus hours, all the points I wish to raise. It would not be my intention to appeal the order of the chair. Therefore, this vote now framed will be the vote that would be dispositive of this issue.

Mr. President, the leadership has communicated with the floor and has indicated it would be most convenient for the Senate as a whole, I think, to vote at 11:15. Am I correct on that?

Mr. LAUTENBERG. That is correct. We ask unanimous consent to do that.

Mr. WARNER. Therefore I advise the managers the Senator from Virginia would have no objection should they seek to lay this amendment aside and proceed to other business with that understanding, and therefore I ask unanimous consent the Senator from Virginia may have a vote on the point of order at the hour of 11:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized for 5 minutes.

SOMALIA

Mr. LOTT. Mr. President, the United States is a country with a great heritage of supporting floundering democracies, and a heart which reaches out to people in need. In December of last year, President Bush, acting out of compassion for the tens of thousands of starving people, sent America on a mission to Somalia. It was a mission of peace and it was a mission of compassion.

That mission has been carried forward by the present administration. It is also a mission that has been completed. With its completion the time has come for the United States to leave Somalia. We should not continue to mortgage the lives of Americans for a country with no government and a people who refuse to assume responsibility for their own destiny.

Under no circumstances should the United States remain in Somalia, only to place more American lives at risk. The newly emerging policy toward Somalia is a growing monster which is out of control and is now eating our own. Our policy no longer seeks to end the starvation and hunger which struck thousands, perhaps millions, over the last 2 years in Somalia. No longer do we simply pursue a cessation of fighting in order to allow the free flow of food. We are now trying to create a peace, where no peace exists. We are also learning you cannot make peace when armed bandits and two-bit hoods are intent on disrupting the peace.

President Clinton's policy toward Somalia is based on the United Nations Security Council resolution 814, which is very different from our original mission to stop the starvation and allow food convoys to reach the Somali people. The Clinton policy as it now appears seeks to recreate a country, a country which has no civil authority, no national economy, and no functioning government.

Our ambassador to the United Nations has suggested we must now raise Somalia from a failed state into an emerging democracy.

My question is, Why? Why is that our role, our responsibility? Is it in our national security interest to do that?

While the administration's goal may be laudable, why is it our responsibility—our responsibility—to restore peace and a government to Somalia? Where is our national interest which compels the United States to create this U.N. notion of Utopia? Why must the United States squander our national treasure of America's best men and women to create peace in a land where peace is not wanted? It is not America's responsibility. We have no national security interests at stake.

Now is the time for the United States to leave.

As I am sure with most Members of the Senate, I have been receiving lots of calls from back home asking, What are we doing? I talked this morning to the mother of two young Marines. She is saying my young sons are not over there yet but they may have to go. Why? What is our goal? What is our responsibility there?

American military forces are ill suited for this mission. Our forces are designed, equipped, trained and maintained to fight and to win in combat. If you give our forces a military objective they will meet that objective. But they are not trained to pacify unruly mobs. Americans have no desire to see their men and women degraded, killed, and defiled by lawless reprobates who drag the bodies of Americans through the streets to be kicked and spat upon.

The American people will not stand for this. We have met our mission. The time has come to leave Somalia. I see no U.S. security interest which requires the United States to remain. If the President believes such a national security interest exists and requires our presence, he needs to explain it to the American people, needs to come to the Congress, tell us what the goals are, let us debate it. I believe we will follow the Commander in Chief's lead. But right now the situation is totally intolerable.

Beyond the issue of Somalia, we need to examine the underlying assumptions guiding the administration and all of us, frankly, to the conclusion that we must remain in Somalia. The Clinton administration appears dedicated to sending the U.S. military into dangerous seas of multinational peace-keeping in an effort to elevate the status of the United Nations into a guardian arbiter of the new world order.

Key to this new vision of the world is creation of a new world army whose singular purpose is to enforce the whims of the arcane United Nations Security Council. The administration's effort to create a new vision for the U.S. military is embodied, I fear, in a new Presidential directive, called PDD-13. Under PDD-13, the United States becomes the trainer and bill payer of an effort to create a military

command structure for the Secretary General of the United Nations. That, too, I believe, is unacceptable.

Only 2 weeks ago the Senate extensively debated the merits of placing U.S. military forces under the command and control of the United Nations.

While lively and animated, the debate did not resolve the proper role for U.S. military in the United Nations. It would be nice if the Congress had the luxury of time to debate this issue in the calm, deliberative Halls of the U.S. Senate. Unfortunately, the events in Somalia over the last 10 days have forced this issue. Now is the time for the Congress and the Nation to examine this policy, in conjunction with the Clinton administration, of whether or not, and under what conditions, we would ever allow U.S. forces to be totally under U.N. command.

MORTON HALPERIN'S ROLE

The Clinton administration's pointman on crafting the U.S. military role in this new world, is Dr. Morton Halperin, the nominee for the position of the Assistant Secretary of Defense for Peacekeeping and Democracy. Mr. Halperin is widely recognized to be the architect of PDD-13. Mr. Halperin is awaiting confirmation and I propose that Mr. Halperin become the catalyst which begins the debate regarding the Clinton effort to multinationalize the U.S. military. We must examine Mr. Halperin's role in drafting PDD-13. What are his views regarding this Somalia experiment which is now costing American lives on a daily basis?

The administration's incremental effort in Somalia requires that we debate the administration's policy now. Yesterday, the Clinton administration announced that 7 more helicopters, 4 M-1 tanks, 14 Bradley fighting vehicles, 2 AC-130 gunships, and 250 more people will be going to Somalia. Yet, the administration continues their commitment to placing U.S. troops under U.N. command, continues to follow the same rules of engagement and continues to place U.S. lives at risk. If the President remains committed to staying in Somalia, we must dramatically increase our United States presence. Nothing short of total occupation by U.S. forces—under U.S. command—is acceptable. My preference is that the United States leave Somalia.

Mr. President, I will just conclude with this. We have already spent well over \$1 billion—I understand perhaps over \$1.5 billion—in Somalia. Over 20 Americans have been killed and hundreds have been wounded. The famine in Somalia has essentially been eradicated. This year's harvest is adequate to feed the country. Our humanitarian mission in Somalia is complete. Our mission has been accomplished. We should declare victory and get out. Remaining in Somalia only will cost more U.S. lives, squander U.S. power,

and commit the United States to an unending quagmire from which we cannot easily withdraw. This is an unacceptable situation, Mr. President.

I yield the floor.

(Disturbance in the visitors' galleries.)

The PRESIDING OFFICER. The Chair advises the galleries that it is not permissible for the galleries to express approval or disapproval for what is going on in the Senate.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kentucky [Mr. McCONNELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 35, nays 63, as follows:

(Rollcall Vote No. 303 Leg.)

YEAS—35

Bennett	Ford	McCain
Bond	Glenn	Metzenbaum
Boren	Graham	Nickles
Chafee	Gramm	Nunn
Coats	Hatch	Riegle
Coverdell	Helms	Robb
Danforth	Hollings	Sasser
DeConcini	Hutchison	Shelby
Dole	Kohl	Thurmond
Durenberger	Levin	Wallop
Faircloth	Lugar	Warner
Feingold	Mathews	

NAYS—63

Akaka	Dodd	Leahy
Baucus	Domenici	Lieberman
Biden	Dorgan	Lott
Bingaman	Exon	Mack
Boxer	Feinstein	Mikulski
Bradley	Gorton	Mitchell
Breaux	Grassley	Moseley-Braun
Brown	Gregg	Moynihan
Bryan	Harkin	Murkowski
Bumpers	Hatfield	Murray
Burns	Inouye	Packwood
Byrd	Jeffords	Pell
Campbell	Johnston	Pressler
Cochran	Kassebaum	Pryor
Cohen	Kempthorne	Reid
Conrad	Kennedy	Rockefeller
Craig	Kerrey	Roth
D'Amato	Kerry	Sarbanes
Daschle	Lautenberg	Simon

Simpson
Smith

Specter
Stevens

Wellstone
Wofford

NOT VOTING—2

Heflin
McConnell

The PRESIDING OFFICER. On this vote the yeas are 35, the nays are 63. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The adoption and enactment into law of the pending Warner amendment would provide for budget outlays at least \$30 million in excess of the appropriate allocation of such outlays reported under subsection 602(b) of the Congressional Budget Act of 1974 for the Subcommittee on Transportation and the Related Agencies in connection with the concurrent resolution on the budget for fiscal year 1994, in violation of sections 602(c) and 302(f) of the Congressional Budget Act.

Therefore, the point of order is well taken and the amendment falls.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

SOMALIA

Mr. LEAHY. Madam President, I have listened over the last 12 weeks to the words of the distinguished Senator from West Virginia [Senator BYRD], regarding Somalia. I must admit I have taken his remarks home, and I have listened to them on the floor. We sit virtually next to each other on the floor, and I have listened to him speak on this subject. I have read what he said afterward, even to the extent of taking some of his remarks back to my home in Vermont where I could read them outside the beltway.

I told the distinguished Senator from West Virginia that had his original resolution on Somalia gone forward, I intended to vote for it. There was a compromise on the then-agreed-upon resolution that was passed. And I agreed with the Senator from West Virginia and the distinguished majority leader, the minority leader, and everybody else involved who put the compromise together, under the conditions at that time. But I also listened yesterday when Senator BYRD was speaking, and I went back this morning, and dug out some comments I made on December 1. That is December 1, 1992.

I spoke then of the troops going into Somalia. I said that U.S. forces were part of the U.N.-mandated military operation and they were going to be replaced as soon as possible by a U.N. peacekeeping force. I said some U.S. forces might be part of that U.N. force, but I expected most of the U.S. forces to be withdrawn as soon as their humanitarian mission was done.

Last December, I said there was a clear and attainable strategy for these forces. We were going in with overwhelming power to secure ports and airfields, to secure safety of the food distribution operation.

I said they were not going in to fight the warlords or pacify the entire country. Let me repeat that. Last December, I said it was not our purpose to fight the warlords or pacify the entire country, but to end the famine.

I also said I believed that the United Nations must also be responsible for providing leadership in developing a political solution to the anarchy that would simply reappear the moment the troops left.

Last December, I urged the President to press the United Nations to accept that responsibility as soon as possible.

Then, Madam President, in my remarks a year ago, I said I was very concerned that we not go in there without knowing how we are going to get out. Somalia must not be allowed to become another Lebanon where our Marines met with disaster.

I supported the original goal of United States intervention, to feed the starving Somali people, to stop the killing. At the time, though, I was deeply troubled about what would happen after the famine was ended. I called at that time for a U.N. peacekeeping force, with them taking over the peacekeeping responsibility as soon as the humanitarian part had ended.

Unfortunately, I do not think the United Nations has carried out its peacekeeping and peacemaking duties as well as we had hoped. In fact, it has failed to achieve vital goals such as restoration of minimal government services. This has forced a very sizable U.S. force to remain much longer than anybody in the Congress or anybody in the American public expected them to.

The U.N. role still remains unclear. Unfortunately, the mission of the U.S. forces also remains unclear, and deaths of Americans are rising.

Somalia is becoming an intolerable and totally unacceptable situation. With the humanitarian mission completed, and no agreement on a new mission, I cannot support U.S. troops being in a situation of hostilities without an authorization of Congress.

This is the position I took in April 1975, as the most junior Member of the United States Senate, regarding Vietnam. I said it in actions in Beirut and in the Persian Gulf, that American troops, except in an absolute emergency situation, should not be put in a situation of long-term hostilities without a very clear Presidential declaration of why they are there, what their goals are, and then with a congressional resolution backing that mission.

This is what we did in the Persian Gulf war. I think that the fact that there was so much Congressional support after that resolution, far more support than there was before, reflected the fact that the Congress and the American people had debated it and voted on it.

Now, if the administration can present a clear mission for the United

States forces as part of a realistic, well-defined U.N. policy for restoring government in Somalia, let them do that and let us vote on it. But absent such a clear statement of the mission of the U.S. forces, without a well-defined exit strategy when we can say they accomplished their job and can come home, I cannot vote for such an authorization. It is not fair to our troops. It is contrary to the warmaking powers of the Congress.

Madam President, there is one thing we must learn and we must understand, especially as we stand here as the one superpower of the world, if we are going to use the warmaking powers of this country, that our Constitution is very clear how that shall be done.

The President has a major defining role as Commander in Chief, and I would not in any way suggest that that role be taken from any President. But the Constitution also gives a very clear role to the Senate and the House of Representatives.

In Somalia neither of those roles have been carried out. It started out as a humanitarian mission, and it has turned into something completely different. It is very possible we may have a defining statement of why we are there, what our goals are, and what will cause us to leave. But as of this moment we do not have that.

We must have it, and then we must vote on it. We must stand up and be willing to vote on it. We must be willing to state our position on it and be willing to face the American people.

I do not know what that vote will be. I do not know what the administration statement might be. But without it, American troops must come back out of Somalia. It is as clear as that. If American troops are going to stay in Somalia under these kinds of hostilities, then there has to be a vote of Congress saying that we understand their purposes, we agree with their purposes, and we vote for them to stay there.

I want to see that kind of debate. I want us to hear the justification provided by the President for retaining U.S. troops. I want to hear a clear explanation of what the U.N.'s role will be, because frankly I have not been impressed with the United Nations. I have not been impressed with the way they have carried out their role. I have not been impressed with their definition of the role. I have not been impressed with their actions.

But I also feel a responsibility as a U.S. Senator to the men and women we send in harm's way. Every member of the Armed Forces knows that when he or she takes that commission, when they are sworn in, that they may be placed in harm's way. They know it and I admire them for doing it.

I remember the great pride I felt on graduation day at Parris Island watching my own youngest son when he com-

pleted his training with the U.S. Marine Corps. We all know, every parent, every brother, every sister knows, every member of the family who takes that oath, that they may well be placed in harm's way. But every one of those men and women in our Armed Forces also should know if they are going to be placed in harm's way it is going to be with a clear definition of why they are there, a clear definition of America's goal for being there and that the Congress will uphold the Constitution by voting for it.

Thank you very much, Madam President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that my remarks may follow the remarks of my distinguished colleague from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I, like every single American, was grievously pained to the heart as we saw those pictures yesterday and as we learned of the loss of our brave service persons serving in Somalia.

Madam President, I have voted for the measure brought forth by our distinguished senior colleague, the Senator from West Virginia [Mr. BYRD], that calls for an orderly process of consideration, first, by the President in his role as Commander in Chief, and then by the Congress in its role under the Constitution, a role equally important to that of the President in terms of our ability to declare or not to declare war or otherwise through appropriations support the actions of a President when those actions involve the life and limb of service persons in combat. It is an orderly process.

I listened very carefully to my colleague's remarks. I believe that I understood him to say very clearly—and I join with him on that—that we, the Senate of the United States, and hopefully the Congress as a whole, want to support our President.

The role of the Commander in Chief is a burdensome one. It is a lonely one. I assure you, without factually knowing it, but I assure you that no one had a heavier heart last night on seeing those pictures of American service persons brutally dragged through the streets of Mogadishu, Somalia, by those bands of ungrateful, undisciplined individuals. No one suffered more than our President.

And I have had the privilege, as have other Members of this Chamber, of working with our President on foreign policy issues, be it Bosnia or Somalia. But we must stand with our President, his National Security Adviser, and his Secretary of State. I urge my colleagues to look at the transcript of the interview of the Secretary of State last night on the MacNeil-Lehrer show in

which he explicitly stated the goal of the President and the goals of this Nation with respect to Somalia.

But we have to work with our President. Nothing we can do in this Chamber or by the Congress of the United States can ever be viewed or construed as a cut and run policy, no matter how difficult that may be politically or otherwise for the individual Members of the Congress. Our credibility in handling our role in Somalia will determine our credibility in handling other situations in which we, as the leader of the free world, invite other nations to come in with their troops and coalition forces to resolve these unpredictable problems as they arise throughout the world. That is what we must stand for—credibility.

I think our President, to date, has handled this situation as best he can. His principal advisers have carefully come before this body. They came before the Senate Armed Services Committee yesterday and briefed us on Somalia; a tragic story. And there will be some questions about the military tactics employed which might have resulted in the tragic loss of life and limb that we experienced as a nation yesterday.

But bottom line: The Congress must work with our President. Our President is doing his level best. Nothing we do can ever be construed as cut and run or it will destroy our credibility to form coalitions to deal with comparable situations in the future.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I wish to respond very briefly.

The Senator from Virginia knows I have, in my capacity as chairman of the Foreign Operations Subcommittee, stood with Presidents, both Republican and Democrat, on major foreign policy issues and have helped them carry out major foreign policy issues, as indeed he has. In fact, he and I worked very closely together on a number of those matters.

I want to support our President no matter what party he may belong to on a foreign policy issue.

When we speak of standing with the President, Madam President, I will stand first with the Constitution of the United States, and I will stand with that Constitution which requires us to exercise our war-making powers. Now that may well mean that we are standing side by side with the President of the United States and that we vote for the same thing that he wants, and that may well be.

But, first and foremost, the President of the United States has to stand with the Constitution, as we have to stand with the Constitution. That is really what makes this the powerful Nation that we are.

That is all I am saying—that we are going to have a goal there. Let us define it and let us vote on it.

I am not asking to cut and run. I am not asking to stay. I am just saying, let us have our goal defined clearly and then let us vote for it.

The stand that I have always taken before is I will always try to support and help Presidents on foreign policy issues as the leader of our country. But I will stand first and foremost with the Constitution of the United States before I will any President of any party.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. If I may might reply to my distinguished friend. We ought to stand with the Constitution. We stand at that desk and take the oath of office, when we are privileged to become U.S. Senators, to support the Constitution.

But I ask my friend: Historically, when was the last time the Congress of the United States declared war? We are talking about the war clause of the Constitution. This body has abdicated its responsibility time after time when Presidents have called our troops into action and in harm's way.

We get all confused with this War Powers Act. Several of us here, including the distinguished Senator from West Virginia, the Senator from Maine, the Republican leader, the Senator from Georgia, and I have had tried on several occasions to get the attention of this Chamber to clarify that ambiguous piece of law. So let us be cautious.

I am not sure that when the Senator from Vermont refers to the constitutional powers to declare war if he is suggesting that be done in this instance. Because I believe that Presidents have worked within the spirit of the War Powers Act and Congress has not seen fit to declare war for some period of time. My recollection is World War II.

Mr. LEAHY. Madam President, if the Senator will yield, my statement is precisely what my statement was.

I made a clear reference to the debate and resolution that was passed by the House and the Senate at the time of the Persian Gulf war. I believe that that is the absolute minimum we can do here in this case.

I have taken this position consistently. I did in April 1975, on the debate in the Armed Services Committee, as a member, regarding continued authorization for the war in Vietnam. I did in Beirut. I have in Grenada. I have been a consistent voice in support of Congress exercising its right and responsibility to vote on whether American Armed Forces should be committed to hostilities. I have said that we ought at least, at the very least, to take the same steps that we did in the Persian Gulf war.

As the distinguished Senator from Virginia knows, he and I were on opposite sides of that vote. But, as the distinguished Senator from Virginia knows, there were a number of major issues that the President had to have resolved in his favor after that vote that could have been only resolved because of strong bipartisan coalition that I helped put together as chairman of the Foreign Operations Subcommittee. And I gave my cooperation. And I did it because, even though that vote had gone opposite to my position, that was the clear vote of the Congress on that issue and, therefore, I felt that once the Congress had spoken we could all move forward together.

That is what I want here. I want us to understand why we are there. I may well support exactly the positions of the President are. But he ought to state them very clearly, and we should debate them on the floor of this body.

Mr. WARNER. Madam President, in reply to my distinguished friend, he might remember that it was the Senator from Virginia, it was his bill that was the subject of that debate. I was the author, together with others, of the bill. But I was the principal sponsor of the bill to authorize use of force by then President Bush in the gulf war, and we won by a bare margin of five votes.

Madam President, let me make my position clear.

Mr. President, I have continued over the past several months to be supportive of the administration's policy in Somalia. However, I have become increasingly concerned as we expanded our objectives there at the same time we were decreasing our combat forces.

Yesterday's events and the briefing presented by the Joint Staff to the Armed Services Committee stunned both me and other Senators. It was difficult for me to believe that we had committed some of the most elite troops we have to such an operation in the middle of territory we knew to be controlled by Aided forces with no way to reinforce them or come to their assistance. We were dependent on a U.N. multilateral force to come to the assistance of our beleaguered Rangers. The U.N. force took 7 hours to respond. In the meantime, our forces paid the price in casualties.

It is unclear whether this operation was conducted under U.N. or U.S. command—or who was directly responsible for ensuring that a reaction force was prepared to assist the U.S. forces. Regardless of who was in command of this operation, I believe we must make it clear that in the future, U.S. forces will operate only under U.S. commanders, and we will know who should be held responsible.

Now we are witness to pictures and accounts of United States prisoners being paraded on television and the bodies of United States soldiers being

mutilated and dragged down the streets of Mogadishu while Somalis cheered and participated in the mutilation—Somalis that we sent our young sons and daughters halfway around the world to rescue from starvation.

Mr. President, these reports and pictures fill me anger and revulsion. I have not heard of any case where any Somalis tried to assist or support our troops in this action. Maybe there were some. I hope so.

I do not believe these atrocities should go unpunished. The attack on our forces and the behavior of Aided's forces toward our casualties and detainees is unforgivable and I hope we will punish Aided's forces accordingly. In addition, there should be no misunderstanding on Aided's part that further maltreatment of U.S. detainees will not be tolerated.

Mr. President, it is now time for the Congress to involve itself in this matter. The briefing received yesterday, by the Armed Services Committee was shocking in several aspects.

The first, I have already mentioned—the lack of a reaction force that was capable of assisting our Ranger forces committed to an operation to capture some of Aided's lieutenants. We found ourselves dependent on U.N. forces who were neither trained nor equipped to conduct the relief operation. In short, Mr. President, we committed forces to combat in a situation where we did not have the capacity to reinforce or rescue them. It is clear that we do not have adequate United States forces in Somalia to carry out the expanded missions and objectives we have now taken on and it is clear to me that our troops are at great risk when we depend on U.N. forces for such assistance and support.

The second aspect of the briefing that stunned and surprised me was the extent to which the situation in Mogadishu has deteriorated since we withdrew most of the United States combat forces. In January, we had 25,000 troops in Somalia and our mission was to ensure that humanitarian relief could be accomplished. I still believe that was a worthy mission which we achieved.

Now, we have about 5,000 troops in Somalia, about half of which are involved in logistical support but we have apparently expanded our missions to include nation-building, reconciliation and warlord-hunting.

It became shockingly clear to me during a briefing by the Joint Staff yesterday, that we are not in control at all in Mogadishu. That is another reason I was so shocked when I discovered we were conducting operations in this hostile territory without adequate reaction forces that could reinforce or assist them. It is my strong conviction that we should put enough force in the area to control it—or stop exposing our troops to the danger of operating in these areas—or get out altogether.

The administration announced yesterday that it would reinforce our troops in Somalia. Essentially, they will send 4 M1 tanks, 14 Bradley fighting vehicles, another 250 Rangers, 2 AC-130 gunships and helicopters to replace those that have been damaged or destroyed. In my view, especially after looking at that map presented by the Joint Staff yesterday, we are only proceeding down a path of incrementalism. We are committing insufficient forces and we will pay in blood again. I thought we had learned the advantages of using overwhelming, decisive force in these situations.

Last, Mr. President, I am not sure why the objectives in Somalia were expanded. What are our national vital interests? Why should young Americans die now in Somalia? It is high time the Congress seek answers to these questions.

In summary, Mr. President, my thoughts now are that if we determine there are vital national interests that justify putting the lives of young Americans at risk, then the President should put enough force on the ground and in the air to get the job done. When we have cleaned up the dissident forces in Mogadishu, the United States, working with the United Nations, should determine what else needs to be done and whether it is in our interests for our military forces to participate.

The reinforcements announced by the administration thus far can only be characterized as timid and only enough to get us into more trouble. Four tanks and 14 Bradley's are not going to change the situation in Mogadishu very much. There is no doubt in my mind that if this is all we do now, we will be faced with decisions of increased escalation further down the road.

Mr. President, again we find ourselves in a quagmire—where our original, good intentions have led us into trouble and our young sons and daughters are asked to pay the price. I believe that President Clinton did not intend that our humanitarian efforts would lead to this. I know that President Bush did not. But here we are. The Congress must now begin the national debate on this issue and must decide if it is in our national interest to remain in Somalia and if so, to be prepared to support sufficient force to prevail and protect our forces. If not, we must find a way to remove our forces in a manner that will permit us to continue to lead on issues of national interest to the United States.

Finally, Mr. President, while the Congress is debating and deciding these issues, it will be necessary for American forces to continue to be deployed in Somalia. But I believe the American people have the right to demand that we protect those forces. As I said earlier, I do not believe that the reinforcements that the President announced on

Monday are sufficient to ensure that our forces can protect themselves while performing the missions they are presently assigned. I therefore call upon the President to immediately send substantial reinforcement to Somalia to provide the United States with the forces necessary to ensure that we can carry out our assigned missions with the least possible threat to our military personnel. This action should not be viewed as an escalation of United States activity or mission in Somalia—rather it is the minimum necessary action to permit our forces in Somalia to operate safely while the Congress, working with the President, reaches agreement about our long-term role in Somalia.

At the same time, the Congress must immediately begin the debate about our long-term role in Somalia. If the Congress, working with the President, determines that it is not in our national interest to continue to have military forces present in Somalia, we must also work with the President to plan and execute an orderly and credible withdrawal of our forces from that theater. If the Congress, working with the President, determines that it is in our national interest for United States forces to be responsible for the internal political and security affairs of Somalia, as they are now being asked to do, then we, the Congress and the President, must clearly explain this to the American people and must commit adequate military force and national resources to accomplish our national objectives and to protect those young men and women we ask to carry out those objectives.

These decisions, whatever they may be, will be of major importance to the future role of the United States in this new world in which we live. We must make these decisions in recognition of their importance—they cannot be made in a single day. But at the same time, we cannot delay these decisions for months. A report is due from the President on October 15. I hope we will give the President time to provide us with this report and to make recommendations about our long-term role in Somalia. But we must then decide these issues—they can wait no longer. We owe it to the American Armed Forces and we owe it to the American people.

And I judge that the objective of the distinguished Senator from West Virginia, his resolution, which this Senator supported, is to do much the same thing as we did in that gulf operation when this Chamber, together with the other body, did step up and address specifically the gulf issue and go on record as supporting our President.

It might be construed as a de facto declaration of war under the war powers of the Constitution accorded to this body. I remember that very well, and I wholeheartedly support a similar course of action.

The point I wish to make today is we should stand fast with our President as he works through his responsibilities to inform this body of his intentions and then we act in a similar manner. Unfortunately, last night, newscasts sort of featured several who stood up and said, "It is time now, today, yesterday, to get out."

No matter how much I would like to see our forces extracted, I want to make sure they extract them in a manner that clearly indicates honor of service for those who made the sacrifices and this country provides that exit strategy in a manner that is fully understood and maintains the credibility of this Nation as a future partner in securing peace elsewhere in the world.

Mr. LEAHY. Madam President, the Senator from Virginia and I are saying the same thing. I simply am asking for another resolution as we had in the Persian Gulf war. I am not one who asked that we today turn around and leave. I have not done that.

What I have stated elsewhere is what I have stated on the floor of the Senate today: If we are going to have American men and women in harm's way carrying out U.S. policy, then let us be very clear what that policy is and let us debate and vote on a resolution similar to the one the Senator from Virginia and others put forward at the time of the Persian Gulf war. Let us vote on it because I can assure you, Madam President, as the only remaining superpower in the world, we are going to be called upon to do this sort of thing over and over again.

I could give a long list of other trouble spots that could cry out as much as Somalia did. They may not be on the evening news every night as Somalia was a year ago. Maybe that is why we do not respond to it. But there are other areas in just as much critical need. If we are going to start moving around, either as a policeman of the world or responding because of a humanitarian need, we ought to make clear what our goals are when our service people are put in harm's way and what our exit strategy is and what the support is among the American people, as reflected in the kind of congressional resolution that the Senator from Virginia and others talked about.

That is all I want. But I think we have gone so far beyond our original purpose in going into Somalia, and the U.N. mandate has become so murky that it is time to have that debate. I understand that the administration itself welcomes such a debate, and I understand there will be such a debate. I want to make it very clear what I said last December and what I say today. I have tried to be consistent all the way through. We will have that debate and then we will decide whether we stay there. I think we owe that to our military people who are there. These are extremely brave Americans. They are

there because they have taken an oath to protect and defend this country. They have been directed to go there, and they are doing that.

They also ought to know that we understand what the purposes are and that we support those purposes. That is all I have said. Nothing more, nothing less. But I think that the Senator from West Virginia has clearly spoken to the conscience of this body in saying we have to go forward to vote on it one way or the other, and I agree with the Senator from West Virginia, and I join with him in that call.

Mr. WARNER. Madam President, to conclude this, I hope the remarks of the Senator does not give rise to an inference that that debate has not already started. It has started. It started weeks ago when the National Security Adviser to the President, Mr. Lake, laid down in a very explicit and clear speech the fundamental framework that this Nation should follow as we pursue our own security interests and those of our allies and friends around the world.

Subsequent to that was a speech by the President of the United States to the United Nations and his remarks made thereafter. Again, the President, in a most explicit way, laying down that framework which should guide the decisionmakers in this Nation henceforth in situations where men and women of the Armed Forces are put at risk and in situations where our security interests may be at risk.

So the debate has started and it has started quite properly under the leadership of the Commander in Chief.

I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I ask unanimous consent that the committee amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1016

(Purpose: To express the sense of the Senate)

Mr. BRADLEY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 1016.

Mr. BRADLEY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . . (a) Congress finds that:

(1) The Federal Aviation Administration is in the process of testing alternatives to the microwave landing system, which might prove more cost effective and capable of supporting category I, II, and III landings.

(2) Proceeding with full scale production of the microwave landing system, without seriously considering alternatives, could result in a waste of Government resources.

(b) It is the sense of the Senate that Congress should not fund full production of the microwave landing system in the future until the Federal Aviation Administration determines whether other alternatives to the current system can meet its needs in a more cost effective manner.

Mr. BRADLEY. Madam President, this is an amendment that says before we fund fully the microwave landing system we have to have a strong recommendation from the FAA to do so.

Madam President, I rise to introduce a sense-of-the-Senate resolution concerning the Federal Aviation Administration's program to develop an alternative to the current instrument landing system [ILS]. I believe this resolution could help us avoid wasting a lot of the taxpayers' money in the future. It promotes the very important principle, stressed by me and others on this floor, that Government should not spend where spending is not necessary.

The ILS, the current precision landing system used in the United States, has existed for 50 years. While it has served this country well, it became evident a long time ago that it should be replaced by a more advanced system.

During the 1970's, the FAA embarked upon a major program to replace the ILS. It chose as its successor the microwave landing system [MLS], a ground-based precision landing system which was thought to provide aircraft with multiple approach paths to a runway. The FAA began developing the program in 1978.

Because of early stage development problems, the FAA restructured the entire MLS program in 1990. Congress, in turn, directed the FAA to evaluate the benefits of the MLS before proceeding with a full production contract for the system. In March 1992, the FAA reported to Congress that the MLS would provide economic and operational benefits. Since then, it has indicated its desire to proceed with full scale procurement of the MLS at an expected cost, according to the GAO, of at least \$2.6 billion by 2008. This \$2.6 billion figure does not include the cost of new lighting systems, which would add another \$260 million to \$1.1 billion to the overall cost.

Given the fiscal crisis facing this country, I do not think it is wise to proceed with an expensive project like the MLS without first determining where and if it is necessary. If we can ensure passenger safety without building completely new systems, I believe we should do so.

Technology has changed since the FAA initially embarked upon its plan to replace the ILS with the MLS, making it possible that the MLS might not be the most cost-effective replacement of the current system. The most compromising alternative to the MLS, the global positioning system [GPS], has been developed by the Department of Defense at a cost of \$10 billion. The FAA is currently testing civil aviation applications of this satellite-based precision landing system to see if it could serve as a viable alternative to the MLS. I do not know enough about the competing systems to determine which one would be the most appropriate replacement for the ILS. But I do believe that it is worth exploring less costly alternatives to the MLS before going to full production.

The GAO has cited several technical advantages to the GPS. It has also predicted that the cost to the FAA of making the GPS useful for civil aviation would be considerably lower than the amount necessary to develop, procure, and install the MLS. In addition, the GAO has stated that the cost of the avionics equipment needed by users of the GPS would be almost half that paid by the users of MLS.

Recognizing the fact that a more cost-effective alternative to the ILS might be possible, the GAO in a November 1992 report found that the FAA's decision to replace the ILS with the MLS was premature. In that same report, the GAO recommended that the FAA support the development of alternatives to the MLS so that by the mid-1990's it could have a meaningful basis for comparing the system's capabilities, benefits, and costs.

To prevent the FAA from going forward with a potentially wasteful and duplicative project, this amendment expresses the sense of the Senate that the FAA should not proceed to full production of the MLS until it determines whether other alternatives to the current system can meet it needs in a more cost-effective manner. If passed, it would put the FAA on notice that it should explore other less costly alternatives to the MLS before making such a large capital investment. In my opinion, we should not go forward with a new precision landing system if an existing one can be enhanced to meet our needs at a fraction of the cost.

I understand that a lot of hurdles must be cleared before the GPS can become a viable alternative to the MLS. More testing will have to be done by the FAA to make sure that the satellite-based technology will be able to work safely and effectively.

There are also political concerns. The FAA agreed with the ICAO to go to the MLS by 1998, and some foreign countries have expressed concern about the FAA going forward with a navigation system which was developed by the Defense Department. However, if these

obstacles can be overcome, the potential savings for the taxpayers could be significant. If you want to make a statement for prudence and fiscal responsibility, I urge you to support this amendment.

Mr. LAUTENBERG. I thank my colleague, the Senator from New Jersey, for his amendment, and would be happy to accept it. Like him, I believe it puts the FAA on notice that it will have to seriously consider alternatives to the MLS before moving forward full production. In testimony before Congress, officials from the FAA have said that the agency will have enough information at its disposal by the end of 1995 to decide whether it would be necessary to go forward with full-scale production of the MLS. This amendment provides an even greater incentive for the agency to do so.

Mr. BRADLEY. I thank the Senator for accepting my amendment and I thank him for his leadership on this important bill.

Mr. DORGAN. Madam President, during the recent debate on the energy and water appropriations bill, I did not have an opportunity to comment here on the amendment by Mr. BRADLEY. So, at this time I wish to voice my opposition to this apparently well-intended, but poorly targeted, amendment to cut the funding provided for investigations, construction, and operations of water-related projects for the Bureau of Reclamation and Corps of Engineers.

I recognize appropriations for the Corps of Engineers were increased this year. However, I must note that the increases are largely to fund the very projects that the author of this amendment has authorized in his own subcommittee. In addition, the devastating flooding in the Upper Mississippi and Missouri River basins this year means substantial added costs for corps operations in fiscal year 1994.

In particular, however, I question the need to single out the Bureau of Reclamation construction program for further cuts for next year.

The Bureau's construction spending has been cut sharply in recent years. It was \$668 million just 2 years ago, and the Senate committee has proposed \$461 million for next year. In fact, that \$461 million represents an additional cut of \$10 million from the 1993 level. If we are looking for areas of excessive Federal spending, I don't believe the Bureau's construction fund is a fair candidate at this juncture.

Also, I wish to thank the chairman and his committee for the \$35 million appropriation to continue progress on rural and municipal water improvements for the Garrison diversion project. That project in North Dakota, as many in this body know, is long, long past a reasonable completion date and we should finally provide the funds and the congressional directives to

complete it for the benefit of North Dakota residents.

I also appreciate the funding the committee has provided for study of flood control improvements along the Red River of the North at Grand Forks, ND. The Grand Forks community has been repeatedly threatened by flooding over the years, and I am pleased we can start the process toward better long-term flood protection for that community.

Mr. LAUTENBERG. Madam President, I think that my colleague from New Jersey has an excellent point to make here. Technology is changing rapidly. It is improving.

I support his sense-of-the Senate resolution.

Mr. D'AMATO. Madam President, I join in supporting this resolution.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

So the amendment (No. 1016) was agreed to.

Mr. BRADLEY. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1011, AS MODIFIED

Mr. D'AMATO. Mr. President, I ask unanimous consent that Amendment No. 1011, by Mrs. Hutchison, agreed to yesterday, be modified by language which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 37, line 12, strike "\$2,500,000" and insert the following: "\$3,200,000 shall be for the RAILTRAN Corridor project of Dallas, Texas and Fort Worth, Texas, and \$69,300,000".

Mr. D'AMATO. Mr. President, this is a modification of an amendment accepted yesterday. There are no budget implications. It is just corrective language. It has been cleared by the majority.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent to proceed out of order for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARGETED REFORM OF HEALTH CARE

Mr. COCHRAN. Mr. President, I bring to the attention of the Senate an outstanding article that was written for the Christian Science Monitor recently by our colleague from Georgia, Senator COVERDELL. The subject is "Target Health-Care Reform."

In the article, Senator COVERDELL very accurately observes that the comprehensive proposal for reform that the Clinton administration has suggested to the Congress may be too much to digest and too much to pay for all at one time. He suggests instead trying to identify the most serious problems we have in health care service delivery and costs and put our emphasis on dealing with those problems in an incremental and targeted fashion rather than the all-encompassing and way-too-expensive approach that many are suggesting the Clinton administration plan will be.

I ask unanimous consent, Mr. President, after complimenting the distinguished Senator for this outstanding article, that a copy of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TARGET HEALTH-CARE REFORM

(By Paul Coverdell)

I commend President Clinton for bringing the issue of health-care reform to the forefront of public debate. But his speech last Wednesday night to Congress only marks the beginning of what must be a long and protracted review of his plan.

At the core of this review is the issue of how much we want the federal government to dictate every aspect of health care in the United States. In the final analysis, a health-care reform plan for this country must envision the government as a partner to the public, not as a manager. The very aspects of our nation's health care in need of repair are those currently managed by the federal government, namely Medicaid and Medicare.

The Clinton administration envisions a powerful federal entity that will coordinate with state planning boards on the delivery of health care in the given state. Employees will receive their health care through a payment, or tax on their companies that will be mandated. The revenues will flow to these state boards, which will decide what kind of coverage is adequate and will determine who the providers will be.

Whether it is a wage-based premium, payroll tax or any other form of tax, saddling employers with the cost is the surest way to lose jobs, slow the economy, and fail to solve the need to reform the health-care system. The National Federation of Independent Business and the National Restaurant Association estimate job losses under the Clinton plan would range from between 1 million and 3 million jobs over five years.

There is, however, an alternative to a government run plan: an option that seeks to implement "targeted reform" to preserve the best elements of our existing system while working incrementally at areas needing reform. Under this plan, I believe we must:

Ensure portability and greater access to health care.

Make the users—the patients—more involved and accountable for their medical coverage.

Work toward medical malpractice and tort reform.

Engage in administrative reform.

Alter the antitrust provisions so that high-tech equipment and services can be shared among institutions.

Review those people in my state of Georgia—and throughout the nation—who are uninsured so that we can gain a true understanding of who they are and whether they are denied access to health care.

I also believe that the public supports his targeted approach to reforming our health-care system.

On a national level, according to a CNN/USAToday/Gallup poll taken in May, more than 81 percent of the respondents are satisfied with their health insurance.

In Georgia, 88 percent of the citizens currently are insured, while 11 percent are not.

And when Georgians are asked whether they are willing to make certain changes in the current system to control health-care costs and provide health-insurance coverage for uninsured people, the results are telling: Only 32 percent are willing to limit their freedom to choose their doctor or hospital, while 66 percent are not; only 29 percent are willing to pay a larger share of health-care costs out of their own pockets, while 66 percent are not willing; and 71 percent are unwilling to pay more in federal income taxes, while 25 percent are.

If we put our minds to the true problems that exist in the health-care delivery system, we can strengthen what works, fix what is broken, and retain the superior quality of care this nation has come to expect. This is what the public wants, not another government-run program. The public is right.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1017

(Purpose: To express the sense of the Senate)

Mr. D'AMATO. Mr. President, I send to the desk a sense-of-the-Senate amendment that was discussed yesterday in this Chamber. A colloquy was held between Senators WALLOP, SIMPSON, and LAUTENBERG. It concerns radar installations at military and civilian joint-use airports.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. WALLOP, for himself, and Mr. SIMPSON, proposes an amendment numbered 1017.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . . It is the sense of the Senate that the Secretary of Transportation should take such action as may be necessary to revise the Department of Transportation's cost/benefit analyses process to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports. It is further the sense of the Senate that the Secretary of Transportation shall require the Federal Aviation Administration to reevaluate the radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Federal Aviation Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region. The Senate further believes that the Secretary of Transportation should report the results of this reevaluation concerning the Cheyenne Airport's and Southeast Wyoming's aircraft radar needs to Congress within 60 days following the date of the enactment of this Act and explain how military figures and concerns will be appropriately solicited and fully utilized in future radar decisions involving joint-use airport facilities.

Mr. D'AMATO. Mr. President, this amendment has been cleared, as I have indicated, by both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1017) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. LAUTENBERG. Mr. President, I have a unanimous-consent request that at 2:15 when we reconvene Senator BURNS be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM], is recognized.

HIGH-SPEED GROUND TRANSPORTATION

Mr. GRAHAM. Mr. President, I am very pleased this afternoon to offer my comments in support of an important provision within this appropriations bill. That is the provision relating to high-speed ground transportation.

Through the leadership of Senator LAUTENBERG, Senator D'AMATO, and

the other members of the committee, the Senate will, I hope, shortly approve funding for fiscal year 1994 of over \$107 million for high-speed rail, including \$27.9 million for research and development of magnetic levitation transportation.

Mr. President, as the Senator from and former Governor of a State which has shown great interest in high-speed rail, I know that you are aware of the worldwide demand for these technologies. In recent weeks, the South Korean Government has selected the French TGV system for its high-speed rail service from Seoul to Pusan. The Government expects 80 million passengers a year will utilize this high-speed rail service in Korea when it is fully developed.

The Taiwanese Government is planning a high-speed train system to increase the traveling efficiency of its citizens.

The European Community recently announced its commitment of over \$112 billion to expand Europe's intricate system of supertrains.

I am pleased to report, Mr. President, that closer to home the State of Florida is completing plans to issue a request for proposals in early 1994 to provide high-speed service connecting Miami, Orlando, and Tampa.

Yet, Mr. President, a generation has passed since Japan's bullet train began service, and a decade since Europe began high-speed train service. And we in the United States still do not have a high-speed rail system operating in any of our communities.

Why is this the case? Primarily, it is because high-speed rail is missing the one factor which has been essential to the successful deployment of every other mode of transportation in U.S. history; that is, substantial governmental support and partnership.

Throughout our history, Government has been instrumental in spawning the development of everything from the canal system in the early part of the 19th century to rail systems in the middle and latter part of the 19th century, to constructing the interstate system, to building all of that infrastructure necessary for commercial and general aviation ensuring the navigability of our ports and waterways.

In other words, Mr. President, the Government has been an essential partner in every other major expansion of America's mobility.

Senator LAUTENBERG and his colleagues on the Appropriations Committee know well the level of continued Federal support given to each of these modes of transportation, for it is the members of that committee who are charged with distributing limited funds among those modes each fiscal year.

Mr. President, our investments in highways, in aviation, in marine, and conventional rail transportation are good ones because they contribute

greatly to the mobility and the productivity of Americans.

But no matter how much money we spend on existing modes of transportation, we simply cannot meet the needs of the next century with the options available to us.

Let us look at some of the prospects. Following current traffic growth patterns, it would require 22 lanes of interstate highway in each direction, 44 lanes in total, to safely handle the traffic between Miami and Tampa estimated for the year 2015.

Similarly, we are running out of airspace at many of our major airports in the United States, meaning there is a finite limit on the number of passengers who can travel our urban hubs.

The committee report on this appropriations bill aptly recognizes that Federal investment in high-speed rail systems, while "clearly an expensive undertaking *** will be paltry when compared to the costs of expanded airport capacity or highway congestion mitigation efforts."

Given the number and scale of high-speed projects currently anticipated in the United States, \$107 million is a paltry sum indeed, but it is a critical demonstration of the Federal Government's commitment to making these projects come to fruition.

Mr. President, it is also a critical component of our overall economic strategy. We are now concerned with the word "conversion." How does America convert from a previous economy with a heavy component of military expenditures to an economy which will be more civilian in its characteristics? I believe it is exactly through investments in new technologies such as high-speed rail transportation that we will be beginning to develop the technologies that will create the jobs that will create the economic prosperity for the next generation of Americans. In much the same way as our investment in the interstate system helped to provide the foundation for prosperity at the end of the 20th century, an investment today in high-speed rail will facilitate a prosperous America into the 21st century.

So, Mr. President, I wish to commend Senator LAUTENBERG and the Appropriations Committee members for their work on behalf of the high-speed ground transportation. I hope and anticipate that the Senate conferees will stand firm on their position on this issue as we negotiate a final transportation appropriations bill.

Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, I want to commend the Senator from Florida [Mr. GRAHAM], for his leadership on this issue. Certainly we share a common view on what ought to be happening with high-speed rail in this country. We at times look like a Third World state, particularly when it comes to rail service. We have not

made the investment in the past. As a consequence, what we do is kind of limp along continuing to stretch the life of the equipment and the system beyond, frankly, its ability to withstand the use and the punishment that it normally takes.

So I commend the Senator for his interest. He helped drive the attitude toward high-speed rail to the point where it is. We intend to fight very hard to maintain the kind of funding and the kind of impetus that has been encouraged by the Senator from Florida. I thank him for his comments and his interest.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Chair would note that under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CAMPBELL].

Mr. THURMOND. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GENERAL POWELL UPON HIS RETIREMENT FROM ACTIVE DUTY

Mr. THURMOND. Mr. President, in my time in uniform and in the 39 years in the Senate, I have seen many top military leaders come and go, but seldom have I witnessed the equal of Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff. As all of my colleagues know, the general retired last week after 35 years of distinguished service, in both peace and war, to our great Nation.

Mr. President, today I also remember another outstanding leader, Gen. George C. Marshall. When General Marshall became Army Chief of Staff 2 years before Pearl Harbor, the U.S. Army consisted of four poorly equipped, understrength divisions. But by the end of World War II, there were over 12 million Americans in uniform. It was a remarkable achievement to take such a small peacetime army and mold it into the most powerful military force the world had ever seen. General Powell's task has been the reverse of General Marshall's, and in many ways much more difficult. Following the collapse of the Soviet Union and the remarkable victory in the gulf war—due in large part to his leadership—he oversaw the rapid down-sizing of our forces, while at the same time maintaining morale and combat readiness to cope with a still dangerous world. This is perhaps the greatest challenge an American soldier has ever

faced, and it is an immense tribute to this distinguished American that the process has progressed so well.

Mr. President, General Powell's rise to the highest military leadership position in the Nation is a reflection of the American dream. His parents were Jamaican immigrants and he grew up in the boroughs of New York. He graduated, not from West Point, which has been the traditional school for those who reach flag rank, but from City College of New York and was commissioned through the ROTC Program. His military career took him from the plains of Europe, where he faced the might of the Warsaw Pact, to the jungles of Vietnam, and then finally to the inner sanctum of the White House. At each step along his climb to the heights of power, he has excelled and set the standards of leadership and professionalism. Yet as he rose in rank, he never forgot the heart and soul of our military, the sailors, soldiers, airmen, and marines. His pride in our military is obvious and he best expressed that pride in a statement before the Armed Services Committee:

I do not need to tell the members of this committee how truly great these men and women are, because you have seen our troops at work around the world—in Panama, in the Persian Gulf, in Somalia, and in the skies over Bosnia. You have also seen them help rebuild communities devastated by hurricanes in south Florida and Hawaii. You know they still stand watch in Korea, in Europe, in the Persian Gulf, and on the seven seas. Their presence in these and other areas continues to reassure our friends and give pause to our potential enemies.

Mr. President, unlike the old soldier of song and legend, General Powell will not fade away upon leaving the Army; he is too great a national asset. I predict that, like George Marshall and Dwight Eisenhower, we will see him in another position of national leadership someday soon.

No tribute to General Powell is complete without giving credit to his wife, Alma, who has been his companion and confidant for the past 31 years. She is a wonderful example of the military spouse and deserves great credit for her dedication to her husband and our Nation. I wish both the General and Mrs. Powell a well deserved rest, and success in whatever endeavor they will undertake in the coming years.

Mr. President, last Thursday, September 30, 1993, I had the pleasure of attending the magnificent retirement ceremony arranged by Secretary of Defense Aspin at Fort Myer, VA, in honor of General Powell's retirement. The ceremony, which was attended by George Bush, Vice President Quayle, many of the former Secretaries of Defense, and former Chairmen of the Joint Chiefs of Staff, was a lofty tribute to the retiring Chairman of the Joint Chiefs of Staff. The ceremony was capped by glowing remarks in tribute to General Powell by both Presi-

dent Clinton and the able Secretary of Defense, Les Aspin.

I ask unanimous consent that their remarks, as well as General Powell's closing remarks, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SECRETARY OF DEFENSE LES ASPIN, PRESIDENT BILL CLINTON, AND GEN. COLIN POWELL AT THE RETIREMENT CEREMONY FOR GENERAL POWELL, FORT MYER, VA, SEPTEMBER 30, 1993

Sec. ASPIN: (Applause.) Mr. President, members of Congress, members and friends of the Powell family, and other distinguished guests, ladies and gentlemen, thank you for joining us here today to honor and to say farewell to Colin Powell. Today General Powell, chairman of the Joint Chiefs of Staff, planner of the great American victory in Operation Desert Storm, former national security adviser to the president, will retire from the United States Army.

There are so many things to be said about Colin Powell. He is the youngest chairman of the Joint Chiefs, he is the first African-American on the Joint Chiefs. He is the first ROTC graduate to be chairman of the Joint Chiefs, and he's the first chairman of the Joint Chiefs to appear as a full-sized cardboard cut-out on the sidewalks of Washington for tourists to have their picture taken with.

But I believe above all that Colin Powell will be remembered for permanently changing how we view the office of the chairman of the Joint Chiefs of Staff. In 1986, Congress passed something called the Goldwater-Nichols Act. It strengthened the hand of the war-fighting commanders, it gave the chairman of the Joint Chiefs of Staff new and bigger responsibilities. It made the chairman the principal military adviser of the civilian leadership, and it gave the chairman a joint staff commensurate with his new responsibilities.

Three years later, the law came fully into effect, and Colin was appointed the chairman. What happened was that a combination of a change in the law and the appearance on the scene of an extraordinary individual, Colin Powell, have changed forever the way we will look at and judge the chairman of the Joint Chiefs.

Colin came into office with a breadth of national security experience, a depth of judgment, and a reservoir of talent that I believe are unprecedented in the aggregate. He put his enormous talents to work with the new tools offered by Goldwater-Nichols. The combination of talent and opportunity elevated the chairmanship to an entirely new plane. The job of the chairman will never be the same.

And what a job he has done—military leader, statesman, wise adviser. And even beyond these rules, Colin has worked with great success to strengthen the bond between the American people and their armed forces. It is a bond that we all share. President Clinton has spoken to it. He has noted our armed forces are, as he put it, "the shining bottle of our American values of dedication, responsibility, and a willingness to sacrifice for the common good." He has said that there is no greater honor in office than being the commander-in-chief of the finest armed forces the country has ever known, and the finest armed forces the world has ever seen.

Ladies and gentlemen, it is an honor and a privilege for me to introduce our com-

mander-in-chief, the president of the United States.

President CLINTON: Thank you very much. Secretary Aspin, President and Mrs. Bush, General and Mrs. Powell, distinguished members of Congress, distinguished leaders of United States military forces, my fellow Americans. Today a grateful nation observes the end of a distinguished career and celebrates 35 years of service and victory, a victory for the United States military that gave young Colin Powell a chance to learn and to grow and to lead; a victory for the military and political leaders who continued to elevate him based on their complete confidence and sure respect; a victory for a nation well served; and in a larger sense, a victory for the American dream, for the principle that in our nation, people can rise as far as their talent, their capacity, their dreams and their discipline will carry them.

A long time ago, Thomas Jefferson wrote, "The Creator has not thought proper to mark those in the forehead who are of stuff to make good generals." The Creator has not thought proper to mark them by the color of their skin or the station of their birth or the place they were born. Thank God for the United States that that is so.

From my first meeting with Colin Powell before I became president, I knew that one thing I would never have to worry about was having a strong and wise, a forthright and honest chairman of the Joint Chiefs of Staff. His knowledge and judgment were a source of constant support. The fact that he enjoyed the respect of all of his troops, from the people first entering the service to his colleagues on the Joint Chiefs of Staff. His remarkable balance of prudence and courage, and his unflinching sense of humor have been there through the difficult times of now two presidencies. And he clearly has the warrior spirit and the judgment to know when it should be applied in the nation's behalf.

General Powell has been a rock of stability in our nation's military during a time of profound change. He has understood more clearly than virtually any other American the enormous resource that the young men and women in our uniform have been for our nation. He has been determined to give them the security that knowledge and skills and capacity bring so that together they could take the changes that we have seen in the last few years.

As the secretary has noted, he was the first chairman to begin his tenure under the Goldwater-Nichols Act, and he has clearly set a standard by which all future chairs of the Joint Chiefs of Staff will be judged. During his term, the Cold War ended. We began to grapple with the consequences of that, mostly good and some bad. We have seen world-changing events force us to reexamine our missions, our force structures and our commands.

We have also seen a leader in Colin Powell who has not only responded to those great challenges but one who could be trusted to feel in his heart the awesome responsibility for the lives and livelihood, for the present and future of every man and woman who wore the uniform of the United States of America.

So today, General Powell, I speak for all of them who thank you for guiding and protecting their lives even as you advanced the cause of freedom around the world. I speak for their families who entrusted you with their sons and daughters. I speak for the young children who sent their mothers and fathers under your command in the Gulf, in Somalia and elsewhere. For all them, I say

you did well by them, as you did well by America.

We take great pride in what you have done for your country. You have exemplified the military ethic in serving in whatever mission and in getting the job done. When we marched around the field today, I was glad to hear the long litany of Colin Powell's career to remind us that, in the spotlight and far away from the spotlight, as a young soldier and a not so young soldier, he was always first and foremost a good soldier, a role model for those in our military, and now a role model for all young Americans, someone we can appreciate for having done a job day in and day out, year in and year out, with ferocious dedication.

In recognition of your legacy and service, of your courage and accomplishment, today, General Powell, I was honored to present you with the Presidential Medal of Freedom with distinction. I want to tell all those here in attendance that this was the second medal of freedom you have received, the first from President Bush in 1991, and today you became only the second American citizen in the history of the republic to be the recipient of the two medals of freedom.

I want to thank you too, sir, for your advice and counsel in the work I had to do in selecting your successor. It was a job I think many people were afraid to even contemplate, for you are truly a hard act to follow. I know you share my opinion that we could not have done better than General Shalikashvili.

I also want to say a special word of appreciation to Mrs. Powell for her inspiration and her support, her good-humored endurance of all the times when you could have been either with her, your daughters or your automobiles and had instead to be at the White House with me or someone else importuning on your time. I thank her and I thank your family for their sacrifices in your public services.

When you proposed and married Alma Johnson and moved with her to Birmingham, Alabama and, before the year, were already sent off as a young captain to serve in Vietnam, that year was 1962. In that same year, General Douglas MacArthur gave his famous farewell speech at West Point. He spoke the following words of praise to all those who serve in our military. I repeat them today because they apply especially well to you. MacArthur said, in reference to the American soldier, "I regarded him as one of the world's noblest figures, not only as one of the finest military characters but also as one of the most stainless."

In closing, General Powell, I am reminded of the words of another young, valiant warrior spoken when, like you, he was finishing one journey and beginning a second. John Bunyan wrote in "Pilgrim's Progress" of the warrior Valiant at the end of his life as he prepared to present himself to the Almighty. "My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get them. My marks and scars I carry with me to be a witness for me to Him who shall be my Rewarder."

General Powell, your reward is a grateful nation and a bright future. Your reward is a stronger nation, safer and better today for your sword, your courage and your skill. From the bottom of my heart, on behalf of every man and woman, every boy and girl in this great country, I thank you and wish you Godspeed.

Gen. POWELL, President and Mrs. Clinton, Vice President and Mrs. Gore, President and Mrs. Bush, Vice President and Mrs. Quayle,

justices of the Supreme Court, Secretary Aspin and members of the Cabinet, service secretaries, members of the Diplomatic Corps, my fellow chiefs of defense who have traveled from afar to be here, my dear friend Field Marshal Vincent, the chairman of the Military Committee of NATO, my fellow members of the JCS and the commanders-in-chief of the Armed Forces of the United States who are here today, distinguished guests, members of my beloved family, friends old and new—but all treasured—men and women of the Armed Forces of the United States represented so magnificently by the Joint Forces Honor Guard before you, I express my sincere thanks to each and every one of you for being here to share my final day in uniform.

The Army has officially advised me that, for record purposes, I have served 35 years, three months, 21 days, and as we say in the infantry, a wake-up. I loved every single day of it. And it's hard to leave. It is made easier by your presence.

Mr. President, Secretary Aspin, I thank you for your very, very kind words and your presence here today, as well as the great honor you do to me, Mr. President, by awarding me the Medal of Freedom with Distinction. I also thank you both and Vice President Gore for the support and the openness that you have shown to me and to my colleagues on the Joint Chiefs of Staff over the past eight months. During those eight months, we've dealt with some very, very difficult issues. But, Mr. President, as you once said to me, if the issues were easy, if the problems were so quick to receive a solution, they would have been solved earlier by somebody else.

Mr. President, you and Secretary Aspin have pledged yourselves to keeping our armed forces strong and of the highest quality. I can't tell you how much that means to each and every one of us in uniform, to know that we have that kind of support, that kind of dedication, that kind of commitment from our commander-in-chief. On behalf of all of the members of the Armed Forces of the United States, I thank you for that pledge. And I can pledge back to you on behalf of each and every one of these wonderful young men and women that they will never, never let you down when it becomes necessary for you to call on them.

President and Mrs. Bush and Vice President and Mrs. Quayle, let me also say that it means a great deal to Alma and to me to have you here today. You have been our dear friends over the years, and you have been treasured friends and supporters of our armed forces. Your presence here today with President Clinton and Vice President Gore speaks volumes about the nature of our political system and its relationship to the military. And I thank you both very, very much for being with us.

There are too many distinguished guests here to recognize them all, but let me welcome especially my dear friend, Secretary of Defense Cheney and Secretary Weinberger, who had such an important influence on my life over the last 10 years. I also want to recognize my predecessors as chairman, Admiral Crowe is here and General Jones, General Vessey and Admiral Tom Moorer. I also recognize all the former members of the JCS and former commanders of our unified and specified commands.

As the president and secretary noted, much has happened over the past four years. I need not catalogue for this audience the events attendant to the demise of the Cold War and the beginning of a new era in world

history. We have seen war and we have seen peace. We have seen suffering, and we have seen the promise of democracy. We have seen hope mixed with danger and uncertainty. We have seen the path open to a better world.

Under you, Mr. President, America will lead the way to that better world. The aspiring nations of the world trust the United States. They need the United States. They need our political leadership. They need our economic strength. They need our value system as a model to learn from. They need our military strength, and they need our military commitment to help keep order and to help prevent aggression. America's armed forces will have a busy future; busier than in the predictable garrison days of the Cold War.

As we sit here on this gorgeous fall afternoon at this historic post, elsewhere American aviators are patrolling over the Persian Gulf, American infantrymen are in danger in Mogadishu dealing with a difficult challenge, the kind of challenge that is, perhaps, very, very typical of what we will be seeing more of in the future. Americans are flying desperately-needed supplies into Bosnia. Other GIs are preparing for the possibility, the hopeful possibility of implementing a peace agreement in Bosnia. Our Navy patrols the Adriatic Sea and the Red Sea and the Persian Gulf. Our Marines provide a reassuring presence in troubled regions of the world. The Army stands watch in Korea and Europe. Our Coast Guard goes after the drug enemy infiltrating our country.

And at the heart of each of these services is the young American boy or girl, perhaps only 19 years old, a volunteer, well-trained, proud, selflessly serving a nation wherever that nation and whenever that nation calls upon it to go and to serve. They carry on a tradition of over 200 years of service and sacrifice. They go into harm's way to protect us and to provide for the common defense. They are the best and the very brightest of America's youth.

And the greatest of all honors I have had was the honor of being one of them and of being their senior representative over the past four years. They have succeeded in every mission and by their performance have bonded once again with the American people in a way we have not seen for decades. I thank each and every one of them for their service to country.

For me, today is a day of memories and a day of thanks. And for the last several days memories have been flooding in, and I've been having difficulty sorting them all out. Some are very, very vivid, some are vague. They aren't entirely coherent to me except perhaps in the deepest recesses of my mind's eye. The memories come to me in so many different ways. I remember vividly the day that my father—many, many years ago, for the first time—put me on a bus in New York City and saw me off to Fort Bragg, North Carolina, my first military experience. I remember fondly my ROTC days at CCNY. I remember cold nights in Korea and Germany with a sergeant coming along to offer me a hot cup of coffee. I remember miserably hot and terrifying days in Vietnam. I remember the warmth and pleasure of family reunions between assignments, or coming home from overseas.

I remember meeting Alma for the first time. I remember the memory of the births of each of our three wonderful, perfect children, and the birth of a treasured grandson. I remember the thrill of moving from post to post, the excitement of working in the White House during historic times, the exhilaration

of Operation Desert Storm. The faces of old friends, and former commanders, and fellow soldiers, and family members have been marching by in a steady cadence for the last several days. I especially see the faces of comrades—comrades-in-arms who gave their lives in service to this country. I see the faces of those who trained me, those who disciplined me, those who inspired me, those who served with me, those who cared for me and loved me over these past 35 years.

Many of you are here today, and I can't possibly thank you all. You know who you are, and I need not name all of the hundreds present. These events and people have given me a great life and have given me a great career. I have never wanted to be anything but a soldier, and my dream has been fulfilled for almost four decades.

I find myself on this beautiful afternoon a most fortunate, fortunate man. And by my side for most of that time has been Alma. For over 31 years I have distilled from our life together one lesson that I will pass on to any young person contemplating marriage. Marry high. Marry high. And with Alma I hit the heights. She raised three wonderful children. Over those 31 years we moved to 22 different houses, but she made sure we never changed homes. She shared every dark moment. She has been my partner and my supporting pillar over all those years. She has been a perfect Army wife, inspiring others and representing the nation so well around the world. Without her love and caring, I cannot imagine what my life would be like.

So, Alma, darling, on this, your day, too, I thank you. I thank you from the bottom of my heart for sharing this journey. I will never be able to fully express my gratitude, so let me just say thank you, darling.

For the three Powell kids, and for the last five years joined by a wonderful daughter-in-law, let me just say that you have brought me incredible joy and pride, and I thank you so much. You are all hereby relieved of further duty as the general's kids. You no longer need to call me sir, you no longer need to stand at attention when I speak to you—(laughter)—you no longer need to refer to me behind my back as the Great Santini. I also promise to be a bigger patsy for you in the future than I've been in the past. You are treasures.

I also must say thank you to my remarkable extended family who have come from around the country to be here today—from Birmingham, from New York, from California, from Canada, from all over. My sister, Marilyn, is here, and is now the matriarch, and she represents all of those first and second generations present who descend from an incredible group of Jamaicans who came to this country in the 1920s, seeing and seeking opportunities that existed only here. As one news article once put it, "it was a darn good thing for Colin Powell that Luther and Ariel (sp) Powell got on in Kingston ended up in America and not somewhere else." I wish all of you here had known Luther and Ariel Powell, two remarkable people who are still with me and every member of my family every day. They are here today on this field as surely as I am, and I love them very much and I thank them very much.

I thank my office family, Nancy and Kenny (sp), and Grog (sp) and Otis and all the others who have been indispensable over the last several years.

I especially must thank Admiral Dave Jeremiah, my vice chairman, for his outstanding friendship and support.

I thank my JCS colleagues. We have been a remarkable team of six officers who have

worked as brothers in arms to do our very, very best for the nation, and I'm proud of each and every one of them and the leadership that they have provided to the services and to the support that they have given to me.

I thank the brilliant Joint Staff.

And I thank all of my friends who are here today from Kelly Street and my White House fellow days, from CCNY, from Germany.

I thank a couple of special, special friends who know who they are, who call me every day to make sure that I'm all right.

I also share with the president in congratulating General John Shalikashvili. He will be a brilliant chairman. He will be absolutely splendid in the job. He and Joanie (sp) are a great military team.

For a moment, with your permission, I wish to stop being the ecumenical chairman and just for a moment I want to return to my beloved Army. The Army has been my home. The Army has been my life. The Army has been my profession. The Army has been my love for all these many years. The Army has invested in me. It has taken chances on me. It has cared for me. When my career over the years took rather bizarre political turns that should have been fatal, great Army leaders such as General John Wickam and General Carl Vuono always let me know that I could come home, that I had a place to go to in the Army.

I am where I am today because the Army takes care of its own. I was allowed to rise based on performance. The Army took in a young black kid from ROTC in the South Bronx and brought him to this point. The Army allowed me to climb on the shoulders of the Buffalo Soldiers and other African Americans who had blazed a trail for 300 years of American history. And I hope the day will come soon when all parts of our society do for young minorities what the Army and the other armed services have been doing for young men and women of all color over the years.

And, finally, I want to thank the American people and the nation for the privilege of serving. I love this country with all my heart and with all my soul. It is a love without limit. I have a bottomless faith in the goodness of this land, in the goodness of its people. I am proud to be an American. I am so proud to have been an American soldier. And so, on this, my last hour in uniform, my heart is filled with gratitude, with love and with thanks for the blessings of family, the blessing of friends, and, above all, the blessing, the unique blessing, of being a citizen of this nation which God has blessed and which we are all very, very proud to call America.

Thank you all for being here today. Good-bye and God bless you.

Mr. THURMOND. I yield the floor.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order the Senate will now resume consideration of H.R. 2750 and the amendment thereto. The pending question is the committee amendment on page 50, line 22.

Mr. LAUTENBERG. Mr. President, is it not the matter of order that the Senator from Montana is now recognized?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Montana, Mr. BURNS, is recognized.

Mr. BURNS. Mr. President, Mr. PRESSLER, the Senator from South Dakota, has a subject that is nongermane to the subject at hand that will take less than 2 minutes. I would not object to that but that is up to the call of the managers.

Mr. LAUTENBERG. Mr. President, if I may respond to the Senator's inquiry, I would not object, but I would also ask if we can that we stay with this bill. We have so much work today. We have a chance to complete it, and I think we ought to do that.

I certainly cannot object. The Senator has the time to give.

Mr. PRESSLER. I thank my colleague.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

UNITED STATES TROOPS IN SOMALIA

Mr. PRESSLER. Mr. President, I wish to speak very briefly on our troops in Somalia. I believe we should withdraw our troops from Somali. I opposed sending them there on this floor.

We do not have a defined mission for our troops in Somalia. I speak as a Vietnam veteran. I believe we should withdraw our troops lock, stock, and barrel from Somalia and should do it very quickly.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I rise to offer an amendment. I guess I would have to ask unanimous consent that the committee amendment be laid aside for the purpose of consideration of another amendment. Is that in order?

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Without objection, it is so ordered.

Mr. BURNS. Mr. President, I rise to offer an amendment to H.R. 2750, the Department of Transportation appropriations bill for fiscal year 1994, regarding cargo preference and United States grain shipments to Russia through west coast port facilities.

As most of us know, \$56 million for exports of United States wheat was included in the agriculture assistance package for Russia. Of that amount, \$44 million will come under the food for progress [FFP] credit sales. These sales will be subject to cargo preference laws.

Cargo preference dictates that a particular percentage of a shipment of goods under certain Federal programs

must be transported on U.S. flagged vessels. Far too often this lack of competition leads to extremely high transportation costs, which in turn directly undercuts the amount of goods, like wheat, which can be sent. Ultimately, this takes money directly out of the pockets of wheat producers in places in the Northwest such as Montana.

Some figures indicate that American-flagged shippers are charging three times more than foreign shippers to move goods. Put simply, we could sell a lot more wheat if shipping prices weren't hiked up by our own Government. Cargo preference is thus acting as a limit on Montana's ability to export.

Those of us from the Pacific Northwest have an even greater problem. There simply is not enough U.S.-flagged ships on the west coast to move our goods.

I received a letter from Secretary of Agriculture Espy, which I ask unanimous consent to print in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)
Mr. BURNS. Mr. President, he states in that letter: " * * because there is a scarcity of U.S.-flag ships on the west coast, the cargo preference law works against products being exported through Pacific Northwest."

Mr. President, over 95 percent of Montana's wheat is moved through Pacific Northwest ports. That is our access point to the world. With the Secretary of Agriculture agreeing that there is a scarcity of U.S.-flagged ships, the sale of Montana's wheat is being effectively precluded.

My amendment addresses this inequity in a fair manner. It simply says that if the Secretaries of Transportation and Agriculture determine that there is an insufficient amount of U.S.-flagged ships, the cargo preference laws may be waived.

The opponents of this amendment will argue that the current cargo preference laws provide adequate protection in situations such as these. I say that simply is not the case. The law does not specify coasts or ports when allocating cargo preference. So we end up with a result that if a U.S. flag vessel is sitting in port in Baltimore then Montana grain cannot be waived for shipment out of Portland.

That is just not right, Mr. President. The result is that thousands of Montana grain producers are effectively shut out of a valuable export market.

As an old football referee for 20 years I see how this issue affects our producers. Our producers are willing to compete, but this is not a matter of leveling the playing field. Mr. President, it is a matter of being locked clear out of the stadium. We cannot even bring the ball on the field.

I ask my colleagues, where is the fairness in that?

Mr. President, our producers want to be able to sell a little bit of wheat. This amendment, with all kinds of safeguards allows them onto the field.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,

Washington, DC, September 14, 1993.

Hon. CONRAD BURNS,

U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR CONRAD: Thank you for your letter, cosigned by several of your colleagues, regarding the agricultural assistance package for Russia announced at the Vancouver Summit.

We appreciate your analysis of the feasibility and benefits of exporting U.S. wheat from the Pacific Northwest in connection with this package. As you know, the assistance package includes \$56 million for exports of U.S. wheat, including \$44 million to be made available under Food for Progress (FFP) credit sales, and \$12 million as FFP donations.

Wheat exports under FFP credit sales will be implemented under operational procedures established under Title I of the Agricultural Trade Development and Assistance Act of 1954, Public Law 83-480 (P.L. 480). This means that the buyer will award commodity and freight contracts on the basis of lowest landed cost, that is, the lowest price combination of commodity and freight per metric ton of commodity delivered to Russia. In order to comply with cargo preference requirements and promote the widest possible competition, the buyer is required to review commodity and freight offers from all coastal ranges, including the Pacific Northwest. However, because there is a scarcity of U.S. flag ships on the West Coast, the cargo preference law works against products being exported through the Pacific Northwest.

Wheat exports under FFP donations will be handled similarly, except that the Russians will pay the full cost of freight, and the commodity contracts will be awarded by the Department of Agriculture, either on the basis of lowest landed cost or on the basis of lowest price per metric ton, f.o.b.

We will convey your views on the agricultural assistance package to Russian officials. They should be pleased to learn of your interest in strengthening trade ties between Russia and the Pacific Northwest. A similar response has been sent to your colleagues.

Sincerely,

MIKE ESPY,
Secretary.

AMENDMENT NO. 1018

(Purpose: To exclude certain shipments of grain to Russia from the cargo preference requirements)

Mr. BURNS. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. DORGAN, Mr. CONRAD, and Mr. BROWN, proposes an amendment numbered 1018.

Mr. BURNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. . CARGO PREFERENCE.

(a) INAPPLICABILITY OF CARGO.—For fiscal year 1994, the cargo preference requirements of section 901 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241), and the Act of March 26, 1934 (48 Stat. 500, chapter 90; 46 U.S.C. App. 1241-1), shall not apply in the case of shipments of grain to Russia from Pacific Northwest ports under the Food For Progress program announced at the Vancouver Summit on April 4, 1993, if the Secretary of Transportation, in consultation with the Secretary of Agriculture, determines that there is an insufficient number of privately owned United States-flag commercial vessels available to transport such grain.

(b) DEFINITION.—The term "Pacific Northwest" means the region defined by section 1(b) of Public Law 88-552 (16 U.S.C. 837(b)), except that for the purposes of this section, the term includes the entire State of Montana.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, I thank the Senator from Montana for the expeditious presentation of his amendment.

I ask, since the Senator from Colorado also has a point of view to be expressed here, whether or not the proponent of the amendment would be willing to accept at this juncture a time agreement. I have assurance from the Senator from Colorado that his needs are fairly short in time and if we could get a half-hour equally divided on that.

Mr. BURNS. I have no objection to that.

Mr. LAUTENBERG. I, therefore, ask unanimous consent that we have one-half hour on this amendment with the remaining time divided.

Mr. BREAU. Mr. President, reserving the right to object, and I do so for the purpose of asking a question. Are we talking about the Burns amendment or any amendment to the Burns amendment?

Mr. BURNS. I have no second-degree amendment.

Mr. BREAU. With that understanding, I have no objection.

Mr. D'AMATO. Wait a minute.

Mr. BROWN. Mr. President, reserving the right to object.

Mr. D'AMATO. I just wanted to preserve Senator BROWN's right to offer an amendment, as I understand, because he has just given me a copy of it.

So I think, in answer to Senator BREAU's question, that would be a half-hour equally divided including second-degree amendments.

Mr. BROWN. Mr. President, reserving the right to object.

Mr. LAUTENBERG. I would have an objection, therefore, and would withdraw my consent request unless the Senator from Montana could be specific about what he sees happening after we discuss the current amendment.

Mr. BURNS. Mr. President, I advise the floor manager that I have no objection to a time limit and allowing a second-degree amendment.

The PRESIDING OFFICER. Does the Senator from New Jersey renew his request?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that 30 minutes for the Burns amendment be available, with the time equally divided to include an opportunity within that time-frame for a second-degree amendment by Senator BROWN from Colorado, with the time running concurrently for both the first-degree and the second-degree amendments.

Mr. PRYOR. Mr. President, reserving the right to object, and I will not object, does the 30-minute time allocation allow 15 minutes on a side?

Mr. LAUTENBERG. It allows 15 minutes on each side.

Mr. PRYOR. Equally divided.

Mr. LAUTENBERG. Yes; 15 minutes on each side.

Mr. BREAU. Reserving the right to object, does the unanimous-consent request also indicate that there will be no other second-degree amendments to the original amendment?

Mr. LAUTENBERG. That is my understanding.

I address that inquiry to the Senator from Montana.

Mr. BURNS. That would be correct.

Mr. LAUTENBERG. I amend my unanimous-consent request to be very clear that the Brown second-degree amendment will be the only other amendment offered on the Burns amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Louisiana [Mr. BREAU] is recognized.

Mr. BREAU. It is my understanding the chairman controls time, is that correct?

Mr. LAUTENBERG. Senator BROWN will have to offer his second-degree amendment at this time, as well, and we will be able to have the debate then.

Mr. President, we will have the debate on both amendments at the same time with, again, 15 minutes to each side, including the BROWN amendment on the side that the Senator from Montana controls.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. LAUTENBERG. Are we clear, Mr. President?

I am afraid there is some confusion here. Let me just note the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to restate the unanimous-consent request so that the fog disappears here as we review it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that 30 minutes be reserved, equally divided between Senator BURNS and Senator BREAU, to include with the Burns amendment a second-degree amendment by Senator BROWN, and the time to run concurrently; and that Senator BROWN, in order to expedite the process, offer his amendment so it can be reviewed before the debate begins on the second-degree amendment and therefore we would be prepared, if necessary, to conclude the debate on the Burns amendment with no other amendments in order and then whatever decisions are made on votes or otherwise to take place at that time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the Burns amendment under consideration by the Senate gives the Secretaries of Agriculture and Transportation, in their activities pursuant to the Russian aid package, the authority to exempt Pacific Northwest grain shipments from the cargo preference provisions of the Public Law 480 Food for Peace Program. I plan to vote against this amendment, but would like to elaborate on my reasons for doing so.

My colleagues know that this is a contentious issue which is perennially laid before the Senate. Each year we are presented with myriad arguments for and against continuation of the cargo preference program and asked to make a false choice between our friends in agriculture and our friends in the maritime industry. I say false choice because each Member of this body knows the importance of both agriculture and maritime to the well being of the U.S. economy.

My past support for the cargo preference system, as part of the Food for Peace Program, has been based on my belief that overall the program benefits both agriculture and maritime while accomplishing the central mission of providing food to areas of need. Cargo preference has been the object of consistent challenges since it was con-

ceived in 1985 through negotiations between both agriculture and maritime groups. Since 1985, I have voted to maintain this essentially privately resolved issue.

As we approach the 10-year anniversary of the cargo preference agreement, I believe it would be reasonable to review its effectiveness. Many arguments have been raised in the past 2 days questioning the effectiveness of the program. In recent years, the Pacific Northwest has seen very few Public Law 480 shipments leave our ports. Some of my friends in agriculture point to this as evidence that cargo preference, while it may serve agriculture and maritime in some areas, serves neither in the Pacific Northwest. My friends in maritime indicate that a number of other factors, not cargo preference, are the cause of the lack of grain shipments from the Northwest.

The issue cargo preference effectiveness was recently highlighted for those of us from the Northwest in a letter from Agriculture Secretary Mike Espy. Secretary Espy's letter was in response to a Northwest delegation letter which urged the Secretary work to include a significant amount of Northwest wheat in the Russian aid package then being negotiated. Secretary Espy's response indicated that, due to the "scarcity of U.S.-flag ships on the west coast, the cargo preference law works against products being exported through the Pacific Northwest."

I ask that the September 14, 1993, letter from Secretary Espy and a Northwest delegation letter dated June 24, 1993, be entered in the RECORD at the conclusion of my remarks.

(See exhibit 2.)

This letter has again raised the argument that flaws in USDA's administration of the cargo preference system are to blame for shortcomings in the program. It is also reasonable that geographic concerns and customer preferences or practices also have a large impact on the impact of the program.

My purpose in sharing this with my colleagues today is to invite all participants in this program to revisit this issue, explore ways to make it work as effectively and fairly as possible and bring to the floor a consensus as they did in 1985. This should include ways that USDA can improve its leadership on and administration of the cargo preference program.

So I stand here today as a longtime supporter of the current cargo preference system to say that I am concerned about the continued operation of this program. I strongly encourage the various groups involved to sit down again and work out the issues related to cargo preference so that we can avoid these yearly challenges brought before the Senate.

This is a program that is intended to benefit all parties connected to it, particularly the needy countries involved.

If the only way to fulfill that intent is to alter the current program, then that is what we must do. I am convinced, as I was in 1985, that the best way for that to occur is through a consensus of the groups involved. Thus, I will vote against the Burns amendment.

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 14, 1993.

Hon MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR MARK: Thank you for your letter, co-signed by several of your colleagues, regarding the agricultural assistance package for Russia announced at the Vancouver Summit.

We appreciate your analysis of the feasibility and benefits of exporting U.S. wheat from the Pacific Northwest in connection with this package. As you know, the assistance package includes \$56 million for exports of U.S. wheat, including \$44 million to be made available under Food for Progress (FFP) credit sales, and \$12 million as FFP donations.

Wheat exports under FFP credit sales will be implemented under operational procedures established under Title I of the Agricultural Trade Development and Assistance Act of 1954, Public Law 83-480 (P.L. 480). This means that the buyer will award commodity and freight contracts on the basis of lowest landed cost, that is, the lowest price combination of commodity and freight per metric ton of commodity delivered to Russia. In order to comply with cargo preference requirements and promote the widest possible competition, the buyer is required to review commodity and freight offers from all coastal ranges, including the Pacific Northwest. However, because there is a scarcity of U.S. flag ships on the West Coast, the cargo preference laws works against products being exported through the Pacific Northwest.

Wheat exports under FFP donations will be handled similarly, except that the Russians will pay the full cost of freight, and the commodity contracts will be awarded by the Department of Agriculture, either on the basis of lowest landed costs or on the basis of lowest price per metric ton, f.o.b.

We will convey your views on the agricultural assistance package to Russian officials. They should be pleased to learn of your interest in strengthening trade ties between Russia and the Pacific Northwest. A similar response has been sent to your colleagues.

Sincerely,

MIKE ESPY,
Secretary.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 24, 1993.

Hon. MIKE ESPY,
Secretary of Agriculture, Administration Building,
Washington, DC.

DEAR MR. SECRETARY: The food aid program announced at the Vancouver, B.C. Summit presents U.S. agriculture with the invaluable opportunity to build new trade relationships with Russia. This program has the potential to open the door for growth and increased stability of the agriculture-based economies of rural America.

The Pacific Northwest exports about one third of all wheat exported from the United States and about 90 percent of the wheat sales from the Pacific Northwest are cash or short term credit sales (compared to 50 percent from other regions). We believe that this positive contribution of the Pacific Northwest to the balance of trade and the Northwest's share of wheat exports should be

acknowledged with participation in this Russian food aid program. We ask that you work with Russian officials to encourage them to take a significant amount of the \$56 million in wheat from the Pacific Northwest. This would be facilitated by encouraging the Russians to designate the Russian Far East as their import destination for a portion of the wheat.

The Pacific Northwest is ideally suited to provide a portion of the wheat for this and future programs. Russia is a bread wheat purchaser, primarily of hard red winter and hard red spring wheat. Roughly one-half of the wheat shipped from the lower Columbia River is red wheat. Service from the Pacific Northwest to the Russian Far East, using consecutive voyage charters, will result in lower shipping costs due to shorter distances.

We also believe there is a potential long term benefit. This program could stimulate the development of a relationship with a growing market in the Russian Far East in which the Northwest, and thereby, the United States, will gain competitive position versus suppliers from other Pacific rim nations. Your assistance is greatly appreciated.

Sincerely,

Thomas S. Foley, Mark O. Hatfield, Bob Packwood, Kirk Kempthorne, Patty Murray, Slade Gorton, Mike Kreidler, Al Swift, Bob Smith, Norm Dicks, Jim McDermott, Pat Williams, Peter DeFazio, Conrad Burns, Larry E. Craig, Max Baucus, Ron Wyden, Jolene Unsoeld, Jay Inslee, Mike Kopetski, Larry LaRocco, Michael D. Crapo, Jennifer Dunn, Maria Cantwell, Elizabeth Furse.

Mr. BURNS. Mr. President, controlling the time on this side, I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN] is recognized.

AMENDMENT NO. 1019 TO AMENDMENT NO. 1018
(Purpose: To limit the cost of cargo preference)

Mr. BROWN. Mr. President, I rise to offer an amendment to the Burns amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1019 to amendment numbered 1018.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION ON COST OF CARGO PREFERENCE.

Notwithstanding any other provision of law, no Federal agency shall contract for the transportation of goods with any carrier whose rates are more than 100 percent above the average competitive world market shipping rate, as determined by the Secretary of Commerce.

Mr. BROWN. Mr. President, this is a very straightforward amendment.

What it does is simply put an upper limit on the cargo preference provision. It says that cargo preference provisions may not result in a rate that is more than 100 percent higher than the competitive world market shipping rate applicable.

This is an amendment that is not new to this Chamber. It was extensively debated earlier this year. In a record vote, this amendment, on a similar measure, was approved. It is not precisely the same vote, but the issue, I believe, is exactly the same.

Mr. President, the case for this is to simply say there ought to be an upper limit on how expensive cargo preference gets. We are not debating cargo preference. This body has indicated its approval of cargo preference in the past. While I do not agree with that, I do not attempt to raise that issue.

What we are responding to is the fact that at this time the taxpayer is simply ripped off and the amount charged for cargo preference in some areas becomes absolutely a scandal.

Recently, some bids on the Russian food exports reached five times world commercial competitive cargo rates; five times what the competitors were willing to pay.

Not so long ago, in an analysis, it was shown that in the last few years in shipments of grain to Africa that the Journal of Commerce reported that grain shipments had exceeded the actual cost of the grain. Unbelievable. The transportation cost more than the whole amount of the grain. The grain that was shipped to Africa in that year cost \$447.5 million and the cost of transportation and storage totaled \$488.1 million.

Mr. President, this issue is quite clear: Should there be an upper limit on how much the taxpayers are stuck with in transporting grains under the cargo preference rules? This amendment simply suggests it ought to be limited to 100 percent more than what competitive rates are.

I must say, I think it is scandalous and outrageous to demand that we pay double the world competitive rates to ship grain. But the fact is, taxpayers have been stuck for 3, 4, and 4½ times as much as the world competitive rate. So this simply puts a limit to the greed that is involved.

I think it is a prudent, reasonable measure that probably is far too generous in the limit it allows, but there ought to be some point at which this body says enough is enough. That is what this amendment does. We voted on it earlier in this year.

Mr. President, I reserve the remainder of my time.

Mr. BREAU addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAU. Mr. President, I yield myself 5 minutes.

Most times we offer legislation in amendments that are aimed at solving

problems. In this case, I fear that we have legislation that, in fact, is looking for a problem to solve and the problem does not exist. If you take a look at what has happened in the Russian grain sale—because that is what we are talking about—it is clear that the law is working.

Twenty-seven ships have been chartered to take the grain under the Russian grain agreement that was entered into at Vancouver. Do you know how many ships are being used that are American-flag ships out of the 27 ships? Three. Twenty-four of the twenty-seven ships that have been selected are foreign-flag vessels; foreign owned, foreign registered, foreign-flag ships.

The reason that they have selected 24 of 27 ships to carry American grain and ship it to Russia in a foreign ship is because the current law works. The current law clearly says that we will give a preference to U.S.-flag ships when we send American grain if there are American-flag ships that are available, No. 1; and, No. 2, they have to be available at rates that are fair and reasonable. That is the determination that has to be reached on each selection of ships carrying American grain.

The law is working because in this sale to the Soviet Union, the Department of Transportation has said that American ships, by and large, are not available at rates that are fair and rates that are reasonable. Therefore, only 3 of the 27 ships that are being used are, in fact, American-bottom ships.

We have agricultural programs that help American farmers, which I strongly support. We have target price programs; we have deficiency programs; we have loans; we have disaster payments—heaven help us when we have to use them—all designed to help the American farmer do a better job at farming.

We have one small, measly program left to help the American merchant marine, and that is to say: At least use American ships when we send American grain overseas. I do not think it sends a particularly good message when grain arrives in foreign vessels and the United States of America has to say, we cannot even find a ship to send it in and we are going to charter some Liberian vessel or some Bahamian vessel or some other flag vessel to send our grain to your country.

The program works. You cannot charter an American vessel unless the rates are fair and reasonable and the ships are available in a timely fashion. That is the current law. We do not need to change it. We certainly do not need to change it while this administration is currently involved in negotiations at all agencies with the President to come up with an American maritime program that is going to be good for the American shipbuilding industry and for the American shipowners, as well as the sailors who are on these ships.

Let us not legislate when there is not a problem. There are enough other problems we need to be directing our attention to. Let us say we are going to do something for the American industry as long as it is fair and reasonable. That is the law.

This amendment should be defeated or should be tabled, which I think the chairman will move to do at the appropriate time.

I reserve the remainder of my time.
The PRESIDING OFFICER. Who yields time?

Mr. BROWN addressed the Chair.
The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I simply note this amendment does not end the Cargo Preference Program. I wish it did. I wish it could. I think it is a waste of money. This does not end it. It simply limits the greed to let them only charge double, so they cannot get away with charging more than double the going commercial rate.

Mr. President, we voted on this in June. So it has been just a few months since we had a vote on a similar measure. Rather than ask for the yeas and nays at this point, I ask if my dear friend from Louisiana will request a record vote on this measure.

Mr. BREAUX. Mr. President, I will respond to my colleague by saying anything that assures the defeat of the amendment, I am certainly willing to accept, either by voice vote or recorded vote.

Mr. BROWN. Mr. President, inasmuch as it appears that there is not agreement on this, perhaps it is appropriate to go ahead with a record vote then.

I request the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.
The yeas and nays were ordered.

Mr. GRASSLEY. Mr. President, the Journal of Commerce on September 16, 1993, reported that U.S.-flag companies continue to submit bids over four times the world market rate. These bids were submitted for food aid shipments to Russia.

I remind my colleagues that it was food aid to Russia, and the outrageous bids well over four times the world rate, that led to the Senate to go on record earlier this year stating that taxpayers should not be gouged by rates more than twice the world rate.

The continued gouging of American taxpayers, notwithstanding the position of the U.S. Senate, demonstrates the arrogance and political smugness of the U.S.-flag merchant marine.

It also continues to demonstrate the uselessness of the Maritime Administration's regulation of rates under its so-called fair and reasonable rate schedule.

Mr. President, I am submitting for the RECORD the article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONLY THREE U.S. CARRIERS BID TO HAUL
FOOD AID

(By Stephanie Nall)

WASHINGTON.—After the maritime industry won a high-profile battle this spring for the right to carry 75% of food aid shipments to Russia, only three U.S.-flag ships have entered the bidding—leaving about 88% of the cargo for foreign-flag ships.

Russia and the U.S. Department of Agriculture last week sought bids to purchase corn and soybean meal and to ship the commodities as part of a much-publicized \$700 million loan aid package granted earlier this year.

Coastal Carriers Corp. submitted bids last week of \$89.95 a ton for two 32,000-ton U.S.-flag container barge units to carry corn from a U.S. Gulf port to the Russian port of Novorossiysk.

That was about four times the rates for foreign-flag carriers sought for the same shipments.

But the Department of Transportation's Maritime Administration ruled the rates fair and reasonable after the Department of Agriculture asked for a ruling.

The third bid—submitted by Liberty Shipping Group Ltd.—was for 48,000 tons at \$49.53 a ton. All three of the U.S.-vessel bids were accepted but the remainder of the 772,000 tons of corn will be carried on foreign-flag vessels at rates of \$21.95 to \$23.98 a ton.

Another U.S.-flag line submitted three bids ranging from \$99 to \$104 a ton, but withdrew them to accept a bid to carry other government cargo.

Had it not been withdrawn, the USDA would have accepted it as well, an official said. No U.S.-flag ships will be used to ship 120,000 tons of soymeal already purchased. The first requests for bids covered about one-third of the total loan deal.

This situation has left no one happy—U.S.-flag carriers feel that the USDA and the Russian government have manipulated the process and kept them from participating fully; and farm-state interests are unhappy at the prices of the U.S.-flag bids.

Indeed, both sides see in the process a failure to follow out congressional instructions and a situation that will provide fodder for further controversy and debate.

In June, the Senate passed a nonbinding resolution to limit U.S.-flag rates on shipments to Russia to no more than double the world market level.

That resolution was stripped before the appropriations bill was signed into law, but some senators are upset that Marad officials aren't using world competition as a yardstick in determining whether a rate is fair or reasonable.

"These recent U.S.-flag bids of four times the market rate demonstrate two things," Sen. Chuck Grassley, R-Iowa, said Wednesday.

"It underscores the continued arrogance and political smugness of the U.S.-flag merchant marine. . . . It provides clear evidence just how useless Marad's fair and reasonable rate regulation is. Even the 'Buy America' laws protect American taxpayers by allowing foreign products and services to be purchased if U.S. bids are 6% over the foreign bids," Sen. Grassley said.

Sen. Paul Sarbanes, D-Md., has said he will attempt to expand cargo-preference laws to cover cash transfer payments as part of the foreign aid bill.

Sen. Grassley said the Sarbanes amendment will provide him with a good opportunity to point out the latest bids to his colleagues and perhaps to try again to limit cargo-preference payments.

Carrier interests point to statements made at a House oversight hearing this summer on U.S. rates and the costs and delays to U.S. vessels in Russian ports.

They point to statements by House members that USDA officials should twist diplomatic arms in Russia to reduce unloading times for U.S. vessels.

"I'm amused that it's taken the guys at Agriculture all this time to negotiate terms with the Russians and we end up with contract terms that stipulate 'custom of the port,'" said Thomas L. Mills, a Washington attorney who represents Liberty Shipping.

"That means whatever they want to do in the ports, however long it takes to unload, the U.S. owner still has to assume the risk."

Mr. Mills said the reason his client's bid was so much lower is because the vessel is more efficient.

"Liberty vessels are the newest and most efficient in the trade and the rates reflect that," he said. "We should build more of them but no one can get money to build them because USDA won't shift and give us long-term contracts."

He said most U.S.-flag bulk carriers are busy with other shipments right now and that the Russian tenders were structured in such a way as to preclude much participation.

"The curious thing is that the contracts required loading within 10 days," Mr. Mills said. "That is very, very unusual. Usually, loading is a month or two out."

Even though rates submitted by U.S. carriers are higher than the \$75-a-ton cap imposed earlier this year by the USDA, U.S. taxpayers probably will end up with a smaller overall bill.

That's because the U.S. government agreed to pay the difference between higher U.S. shipping costs and world rates.

The Clinton administration estimated \$100 million, based on a differential of \$40 a ton. But the U.S. government expected U.S.-flag vessels to carry 75% of all shipments. With U.S. ships hauling less volume, that amount should decrease.

Mr. BROWN. Mr. President, I think the amendment is quite straightforward and clear. Unless there are further questions, I will simply reserve the remainder of my time.

Mr. BURNS. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Montana has 10 minutes 46 seconds. The Senator from Louisiana has 11 minutes 10 seconds.

Mr. BURNS. Mr. President, I yield myself 3 minutes just to answer the criticism of this particular piece of legislation or amendment on this bill.

The Senator from Louisiana makes a good point: Who determines what is fair on the rate? Is that one ship in one port, saying we will haul it for one price, and the availability of a flag ship in a port in the United States; in other words, that ship could be not only in his home State of Louisiana where they load a lot of grain, but it could be in Charlotte, or somewhere else, and our grain, of which 93 percent of it moves to the west coast, we cannot

ship to Charlotte or to Louisiana. Now we could, at an increased rate, either by rail or by barge or a combination of the two.

A nickel a bushel at a certain time in the year means a lot of money to a producer in Montana. It also means a lot of money to the Treasury of the United States because of targets and deficiency prices.

What I am trying to do is bring some balance to this so that we all have a shared cost of delivering this Food for Peace or Food for Progress, especially under the law of Public Law 480. So I think it has to be a shared thing and not one person being on the short end of the stick and the others operating with little or no risk at all.

That is the purpose of this amendment. I can understand that no industry in America has a greater champion than my friend from Louisiana. But I think this is a question of out-and-out American fairness.

Mr. President, I reserve the remainder of my time.

Mr. BREAUX. I yield to the distinguished ranking member and also the Senator from Mississippi. I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. D'AMATO. Mr. President, I would just like to make an observation. The amendment of my good friend from Montana seems to me to be misdirected when it attempts to say that certain ports in the Northwest should be used. The fact of the matter is, that would substantially drive up the cost.

I do not understand why we would want to get into that situation. When we look at the Russian grain shipments, the Russians are calling for and asking for deliveries on their ports at the Black Sea and the Baltic Sea ports. Those are shipments that, obviously, necessarily would then take place from the U.S. east and gulf coast ports. So it is not a question of improving the delivery, of enhancing anyone's capabilities but, indeed, that will drive up the cost if we were to adopt that amendment.

For that reason, I would have to be in opposition.

Mr. BREAUX. How much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 9 minutes 55 seconds.

Mr. BREAUX. I yield 2 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN], is recognized.

Mr. COCHRAN. I thank the distinguished Senator from Louisiana for yielding time to me.

For background information, Senators might want to know that in 1985, when we were debating the farm bill, we crafted a compromise on cargo pref-

erence that attempted to establish among the various port ranges, the various regions of the United States, a fair and equitable arrangement so that no one port range would be preferred over any other as a matter of law; that we would compete on the basis of efficiency, on lowest landed cost, so that purchasers and administrators of the program could decide from which ports grain and other commodities would be shipped, and they could decide which would be the most efficient and economical.

The fact is this amendment does not have anything to do with cargo preference as such. It has to do with port preference. It is an attempt to legislate an exception to that accommodation that was reached by hard-fought compromise and negotiation and eventual compromise almost 10 years ago.

I truly hope the Senate will be very cautious as it considers this amendment to make a change in the current arrangement.

The reason, as very accurately stated by the Senator from New York, that the Russian grain shipments are being made from the East and the gulf coast ports is that it is more economical for the Russian purchasers and recipients of this grain because they want the cargoes delivered to the Baltic ports and to the Black Sea ports, not to Vladivostok.

I hope the Senate will reject the amendment.

Mr. BREAUX. Mr. President, I think the arguments have been made. As I said earlier, this is legislation that is looking to solve a problem that does not exist. Only 19 percent of the grain cargo that is being shipped to Russia is going on United States-flag ships; 81 percent is going on foreign-flag vessels. The program is working. As the Senator from Mississippi pointed out I think very clearly, this is an argument about which port we are going to use.

I think we should table the amendment and the underlying amendment. At the appropriate time, I on behalf of the chairman or the chairman will take the necessary action with regard to tabling the amendment.

Let me just point out that we have tried to be as fair as anybody can possibly be with the allocation of where cargo goes. The problem with the Russian grain shipments from the Pacific Northwest is that it is not convenient or reasonable for the Russians to have it come from a Northwest port.

Now, in some cases, it will be more attractive to ship from the Northwest depending on the destination of the cargo. In some cases it is more attractive to ship it from the gulf; in some cases it is more attractive to ship it from the east coast, but that is not something we can solve with this amendment that is being offered today.

I would merely point out further that under the existing law when we talk

about a cargo preference for U.S. vessels, the law says right now, very clearly, that this allocation of U.S. preference should be done in a way to ensure a fair and reasonable participation of U.S.-flag vessels in such cargoes by geographical areas.

So there is a conscious effort under the law to make sure that geographical areas are treated fairly when determining from where the cargo is going to be shipped. But as long as we have the existing law that says we are going to use U.S.-flag vessels if the rates are fair and reasonable I think everybody is protected; the American farmer is protected, the American shippers are helped, American seamen aided, American jobs are retained. The program is working; it is not broken; do not try to fix it because I am afraid we are just going to end up messing it up.

I am happy to yield to the Senator from Maryland, Mr. SARBANES.

The PRESIDING OFFICER. The Senator from Maryland, Mr. SARBANES, is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the position stated by my distinguished colleague from Louisiana. This is not a new issue in this Chamber, although it is presented in a somewhat different form today. The very able Senator from Mississippi pointed out the current arrangement was very hard fought and I think represented an effort to balance all of the competing interests that are involved.

I think the program has worked well. This amendment, of course, would begin its erosion, its undercutting. I very much hope—I gather a tabling motion will be coming—when the tabling motion is proposed it carry in this body.

I do want to point out on the broader issue, other nations use cargo preference just on the basic question before us. The Russians, in fact, when they negotiated the deal required that a certain amount of it travel in Russian bottoms, and countries that maintain a maritime capability have been using one or another form of cargo preference. A lot of them are very shrewd in how they do it, but it is one of the ways they sustain and maintain a maritime capacity, something we have been losing in this country and something I believe we need to address.

That is a broader issue than this amendment, but this amendment would erode some of the little effort we are now undertaking in order to maintain such a capacity. I hope the amendment is defeated.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized, Mr. BURNS.

Mr. BURNS. Mr. President, again I want to balance this on fairness. If there is an American-flag ship sitting in Baltimore or Charlotte, then that is

good enough for cargo preference if we have none sitting in Portland.

Now, granted, most of the grain going to Russia goes through the Black Sea and to those ports, but there is also a little bit of demand through Vladivostok.

Now, it may not be big, but I say to my colleagues, if we cannot get to that market through the Northwest ports, then we never will from the east coast or the gulf ports. We are just wanting to ship a little bit of grain out of Portland and to waive into a new market. We do not know how big that market would be or the reception in the U.S.S.R.

This is a surgical approach. In other words, the Department of Transportation has to OK it and also the Department of Agriculture has to OK it. This is not broad reaching, just to do away with cargo preference as it exists now. Nobody probably supports this more than our own merchant marine force.

But this is in fairness to open up a new market, because for my producers in Montana, of course, as you know, it is the same old argument with agriculture; you sell wholesale and you buy retail and you pay the freight both ways. If you are at the end of the line, you feel you get beat up a little bit because we are even captive shippers when it comes to railroads. And our natural ports, 93 percent is Portland or Vancouver or Seattle.

So what little could be moved into that third or fourth Russian port we are denied because we would have an American-flag ship sitting in the port of Baltimore, MD, and we have no ground access to ship our grain here. If we did, with the cost, we just could not afford that. We know that the cost comes off of the producer. That is where the cost is. It does not come off the consumer or the other end of the line. It comes off the people who grow the grain.

So what we are asking is just a little bit of fairness to open up a little bit of a market in Russia to allocate this new wheat. It has to be wheat only. It can be no other grain. This is probably the most surgical piece of language that we would have offered to the body. I would ask my colleagues especially in agriculture to support this amendment.

I yield the floor and reserve the remainder of my time.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senator from New York he needs to get the time from the manager, the Senator from Louisiana.

Mr. BREAUX. I yield the Senator from New York 1 minute.

Mr. D'AMATO. Mr. President, at this time, unless there is objection, I would move to table the second-degree amendment of the Senator from Colorado.

Mr. LAUTENBERG. Will the Senator hold for just a minute?

Mr. BREAUX. Mr. President, parliamentary inquiry. If a motion to table the Burns amendment is made, does that motion also take with it the Brown amendment if in fact the motion to table is carried?

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I think with the limited time we have left, does the Senator from Montana yield his time?

Mr. BURNS. I want clarification of what the Senator from Louisiana is trying to do.

Mr. BREAUX. The Senator from Louisiana is against the Burns amendment and also against the amendment of the Senator from Colorado [Mr. BROWN].

Mr. BURNS. I would like a vote on the Brown amendment, second degree on Brown, and also a vote on my original amendment.

Mr. BREAUX. The Senator from Louisiana intends to join with the chairman of the subcommittee in moving to table the Burns amendment.

I just conclude my remarks by saying the law already covers the situation that the amendments are set to address. I do not think we need to do that.

I yield the remainder of my time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank my friend from Louisiana. I think he very clearly stated the objection. We are offering a solution for a problem that does not exist. Ships are not available. We would like to deal with this, see what the sentiment of the Senate is. I, therefore, move to table the Burns amendment.

Mr. BROWN. Mr. President, will the Senator withhold?

The PRESIDING OFFICER (Mr. FEINGOLD). The motion is not in order at this time. The Senator from Montana controls 5 minutes. At the conclusion of that time, the motion to table would be in order.

Mr. BURNS. Mr. President, I yield to my friend from Colorado.

Mr. BROWN. Mr. President, I understand the floor manager's interest in expediting the procedure. I can well understand the interest of my friend from Louisiana. If he would let us vote separately on the Brown amendment at this juncture, I will simply offer it later on. So we are not going to save any time by dealing with it together.

My hope is that the managers of the bill might be willing to allow us separate votes on the second-degree amendment and the underlying amendment. If they will, then we can come back and offer the Brown amendment separately. I think we could expedite the procedure by going with separate motions on the amendments.

The PRESIDING OFFICER. The Senator from Montana has 4 minutes.

Mr. BREAUX. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Louisiana has 1 minute left. Mr. BURNS. I ask my friend from Louisiana: Would it be acceptable—or the manager of the bill—would that be acceptable as suggested by the Senator from Colorado?

Mr. LAUTENBERG. Mr. President, if the Senator from Louisiana would yield me the remainder of his time—

Mr. BREAUX. I yield.

Mr. LAUTENBERG. I thank the Senator from Louisiana.

Very simply put, Mr. President, the Senator from Colorado, as everyone knows, has the right to bring up his amendment at the appropriate place.

At this moment, I move to table the Burns amendment which carries with it, as the Parliamentarian stated, the Brown amendment. The vote will decide whether or not we continue reviewing the amendment. With all time yielded—

Mr. BURNS. Mr. President, I would then move to table the Brown amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from Montana has 3 minutes 40 seconds.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana has the remaining time. He is the only one in a position to do that.

Mr. BURNS. Mr. President, are we in a quorum?

The PRESIDING OFFICER. We are not.

Mr. BURNS. Mr. President, I yield 1 minute to my friend from Colorado.

Mr. BROWN. Mr. President, in light of the reluctance of the opponents of my second-degree amendment to allow a vote on it, I will at this time withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Is there an objection?

Mr. BREAUX. Reserving the right to object.

Mr. BURNS. Mr. President, with that, I ask the Parliamentarian, can he withdraw his amendment?

Mr. BREAUX. Parliamentary inquiry?

The PRESIDING OFFICER. He would need unanimous consent because the yeas and nays have been ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to vitiate the yeas and nays.

Mr. BREAUX. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana has 1 minute 50 seconds.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BROWN. Reserving the right to object. Who would be recognized when we come out of the quorum call?

The PRESIDING OFFICER. The Senator may either object or not object.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The legislative clerk continued calling the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business, at the conclusion of which I will suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL PROCUREMENT POLICY

Mr. BAUCUS. Mr. President, very soon President Clinton is expected to sign an Executive order requiring the Government to buy recycled paper. I urge the President to use this opportunity to strengthen our procurement policy and resist calls to backslide.

Last year, we Americans threw out almost 200 million tons of municipal trash—almost triple the amount of waste that we threw out in 1960.

There is now a widespread agreement that we need to deal with waste differently—away from generation and disposal and toward prevention and recycling.

We need the right incentives to reduce the amount of waste we create. What we do create, we should reuse and recycle as much as possible.

One key to this new environmental ethic is recycling, and more than 5,000 cities across the country have responded by setting up recycling programs. Rather than throwing out all of their trash, people are now separating their paper, bottles, and cans so that they can be recycled. All told, more than 70 million Americans are doing their part. But if recycling is going to survive, others—including the Federal Government—must do their part.

If we are going to profit from the efforts of these 70 million Americans, there must be a demand for the recyclables they are collecting. Just as in any functioning market, supply and demand must be roughly equal.

To date, however, most efforts have focused on collection. So there is an oversupply of many recyclables relative to the demand. If we really want recycling to survive, there must be

greater demand for what is being collected. That is where the Federal Government comes in.

Many people agree that one of the most important ways to stimulate demand for recycled goods is for the Government to use its purchasing power. Through its procurement policies, the Federal Government can set an example and help send a message that recycling is an important and valuable activity.

Because the Government is such a major consumer of products that can be made with recycled material—we use 2 percent of all printing and writing paper in the United States—increasing procurement of these products will help recycling.

On Earth day, President Clinton recognized that the Government should lead by example—by promoting recycling. He promised an Executive order requiring that the Federal Government buy more recycled paper. I share his commitment to increasing our Nation's recycling rates and urge the President to be bold.

I realize that recently some paper companies are pushing the President in the other direction. They would like to see our procurement guidelines weakened. They have gone so far as to recommend that we buy recycled paper that contains 90 percent virgin fiber. That is 40 percent more virgin fiber than current procurement policy.

Clearly, that is not progress. It is not the type of leadership that is needed. It is backsliding. What is worse, it is a slap in the face to those 70 million Americans who are already doing their part to promote recycling. A bait and switch maneuver that results in using more virgin materials would betray the work of these millions of Americans trying to do their part by separating their trash and urging our country to adopt the policy of using more recyclables.

One final point so that everybody understands what the Federal procurement policy is and is not. It is not a mandate. It does not in any way require any paper mill to make recycled paper, unless it chooses to do so. Paper mills would be entirely free to sell unrecyclable paper to the remaining 98 percent white paper market. In fact, procurement policy is perhaps the purest form of letting the market work.

McDonald's, for example, used the procurement policy to turn its golden arches green. They asked all of their suppliers to cut the overall waste by 15 percent by December 1991. And their suppliers responded by reducing the packaging content of corrugated boxes, sandwich wrap, and containers.

The Federal Government should do no less. That means telling our suppliers what type of recycled paper we want to buy. That is really the goal of the procurement policy—to give companies that supply Government with

paper and other goods a reason and an incentive to use more recycled materials in their products.

Again, I urge President Clinton to hang tough and sign a recycling Executive order that provides strong leadership and the type of incentives needed for recycling to prosper.

I yield back the remainder of my time.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that we be permitted to enter a tabling motion on the Brown amendment and have a 15-minute rollcall vote thereupon to be followed, without any intervening business, by a 10-minute vote on a tabling motion on the Burns amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, for Senator D'AMATO and myself, I move to table the Brown amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment of the Senator from Colorado.

Mr. LAUTENBERG. Mr. President, I move to table the Burns amendment, and ask at the same time for the yeas and nays on the tabling motion as well.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1019

The PRESIDING OFFICER. The question then occurs on the motion to table amendment No. 1019 offered by the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Kentucky [Mr. McCONNELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—50

Akaka	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Hatfield	Murray
Boxer	Heflin	Packwood
Bradley	Hollings	Pell
Breaux	Inouye	Reld
Bryan	Johnston	Riegle
Byrd	Kennedy	Robb
Cochran	Kerry	Rockefeller
Cohen	Lautenberg	Sarbanes
D'Amato	Leahy	Sasser
Daschle	Levin	Shelby
DeConcini	Lieberman	Specter
Dodd	Lott	Stevens
Feingold	Metzenbaum	Wallop
Feinstein	Mikulski	Wofford
Ford	Mitchell	

NAYS—49

Baucus	Durenberger	Mack
Bennett	Exon	Mathews
Bond	Faircloth	McCaín
Boren	Glenn	Moseley-Braun
Brown	Gramm	Nickles
Bumpers	Grassley	Nunn
Burns	Gregg	Pressler
Campbell	Harkin	Pryor
Chafee	Hatch	Roth
Coats	Helms	Simon
Conrad	Hutchinson	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Thurmond
Danforth	Kempthorne	Warner
Dole	Kerrey	Wellstone
Domenici	Kohl	
Dorgan	Lugar	

NOT VOTING—1

McConnell

So the motion to lay on the table the amendment (No. 1019) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1018

The PRESIDING OFFICER. The question now is on agreeing to the motion to lay on the table amendment No. 1018, offered by the Senator from Montana. The yeas and nays have been ordered. This will be a 10-minute rollcall vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Kentucky [Mr. McCONNELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—69

Akaka	D'Amato	Heflin
Biden	Daschle	Hollings
Bingaman	DeConcini	Hutchinson
Boren	Dodd	Inouye
Boxer	Domenici	Johnston
Bradley	Exon	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bumpers	Ford	Lautenberg
Byrd	Glenn	Leahy
Campbell	Gorton	Levin
Chafee	Graham	Lieberman
Cochran	Gramm	Lott
Cohen	Harkin	Mack
Coverdell	Hatfield	Mathews

McCain	Nunn	Sarbanes
Metzenbaum	Packwood	Sasser
Mikulski	Pell	Shelby
Mitchell	Pryor	Simon
Moseley-Braun	Reld	Specter
Moynihan	Riegle	Stevens
Murkowski	Robb	Warner
Murray	Rockefeller	Wofford

NAYS—30

Baucus	Dorgan	Kohl
Bennett	Durenberger	Lugar
Bond	Faircloth	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Coats	Hatch	Simpson
Conrad	Helms	Smith
Craig	Jeffords	Thurmond
Danforth	Kassebaum	Wallop
Dole	Kempthorne	Wellstone

NOT VOTING—1

McConnell

So the motion to lay on the table the amendment (No. 1018) was agreed to.

(Later the following occurred.)

Mr. LIEBERMAN. Mr. President, on rollcall vote No. 305 I was present and voted aye. The official record has me listed as absent. Therefore I ask unanimous consent the official record be corrected to accurately reflect my vote which will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair and yield the floor.

(The foregoing tally has been changed to reflect the above order.)

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

ORDER FOR RECESS UNTIL 5 P.M.

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate now stand in recess until the hour of 5 p.m.

Mr. D'AMATO. I am wondering if the distinguished acting leader could let us put in one amendment that we have agreed to.

Mr. FORD. Fine. Mr. President, I ask unanimous consent that as soon as the amendment is agreed to the Senate stand in recess then until 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

AMENDMENT NO. 1020

(Purpose: To provide for a review of certain actions of the Federal Aviation Administration regarding the closing of certain flight service stations in the State of Alaska.)

Mr. D'AMATO. Mr. President, on behalf of Senator MURKOWSKI and Senator STEVENS, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. If there is no objection, the committee amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MURKOWSKI for himself and Mr. STEVENS, proposes an amendment numbered 1020.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds appropriated by this Act shall be available for use for closing or otherwise reducing the services of any flight service station in the State of Alaska in operation on the date of the enactment of this Act, until after the expiration of the 90-day period following the date that the Secretary of Transportation has reported to Congress regarding the effects on safety of the flight service station closing and reduction in services plan being carried out by the Federal Aviation Administration in the State of Alaska on the date immediately preceding the date of the enactment of this Act. Such report shall be submitted no later than 90 days after enactment of this Act.

Mr. D'AMATO. This amendment has no budget implications. It has been agreed to. The majority has no objection.

Mr. MURKOWSKI. Mr. President, I offer an amendment that states that no funds can be further expended for closing or reducing services of any Alaska flight service station until 90 days after the Secretary of Transportation provides a report to the Congress regarding the safety of the flight service modernization plan.

I am offering this amendment because of the major concern over safety due to the unpredictable weather in Alaska.

Weather is not a subject of small talk in Alaska, it's a serious topic of conversation.

The National Flight Service Modernization Program was approved and funded by Congress in 1980 and an Auxiliary plan was submitted to Congress in 1991.

The Alaska plan consolidates 26 flight service stations into 3 automated facilities in Fairbanks, Kenai, and Juneau.

The Auxiliary plan reopens 14 stations on a reduced hour or seasonal basis.

At present, Yakutat, Farewell, Big Delta, Bettles, Cordova, King Salmon, and Anchorage are closed. Barrow has reduced hours of operation and McGrath will be open on a seasonal basis.

All of my colleagues who have been to Alaska know that we don't have an extensive road system. Airplane travel is a necessity, not a luxury.

Phil Boyer, President of the Aircraft Owners and Pilots Association, was recently in Alaska. In the October issue of AOPAPILLOT, he stated that light airplanes are the only means of year-round transportation for 70 percent of Alaskan communities.

I do not mean to criticize the FAA and all of those who worked with them to consolidate services without compromising safety. I believe they are doing their best.

However, during the August recess, I had a barrage of comments from pilots all over Alaska expressing their concerns that station closures and reduced station hours will compromise safety by not providing up-to-date weather information.

AOPA president, Phil Boyer also expressed that and some other basic safety concerns in his article which I ask unanimous consent be printed in the RECORD.

Therefore, I believe we need some reassurance on this plan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE SIZE DOESN'T FIT ALL

(By Phil Boyer)

One Saturday this past August, I reached a landmark in my 25 years of general aviation flying. I landed at Ketchikan, in the southeast portion of Alaska, thus completing a personal record of having landed in all 50 states.

For the next six days, we logged more than 20 hours of flight time in a state that truly understands the value of general aviation. Accompanying me were Steve Brown, AOPA's senior vice president of Government and Technical Affairs; Ray Costello, AOPA's regional representative for the Pacific Northwest and Alaska; Marc Cook, senior editor of AOPA Pilot; and Tom Wardleigh, chairman of the board of the Alaska Aviation Safety Foundation. The AASF is a critical partner to AOPA all through the year.

Alaskans often feel neglected when it comes to recognition and understanding from those of us in the Lower 48.

Light airplanes are essential in Alaska. They are the only means of year-round transportation for approximately 70 percent of the state's communities. Alaska has eight times as many pilots and 15 times as many aircraft on a per-capita basis as the rest of the United States. Merrill Field in Anchorage is one of the busiest general aviation airports in the nation, logging more than 300,000 takeoffs and landings each year. Nearby Lake Hood is the world's largest and busiest seaplane base, accommodating as many as 800 floatplane operations on a summer day. The airplane is the only convenient way to reach many native villages. In recent years, tourism has given birth to a growing air taxi industry that flies single- and even twin-engine floatplanes to deliver and pick up sportsmen at remote lakes and mountains.

Our tour included stops at the major population centers of Juneau (the state capital), Anchorage, and Fairbanks. Here we held evening AOPA Pilot Town Meetings—listening sessions—to better understand the concerns of our 4,000 AOPA members (nearly half the certified pilots) in Alaska. And from small fishing villages like Cordova to tourism centers like Ketchikan, we met and spoke with pilots—on the ramp, at lunch, in hangars, wherever we were. Kotzebue, Dillingham, Nome, Sitka, and Iliamna no longer are just places on a chart or map; they now represent faces and opinions to attach to the problems unique to Alaska.

The major concern of today's Alaskan bush pilot is as it always has been: the weather.

Micro-climates develop in mountain passes used by air transportation, and without the ability to quickly receive the most current information about these conditions, pilots and their passengers can find themselves in a lot of trouble in a very short time. Contrary to the image of the renegade Alaskan bush pilot, everyone I met there seemed to be passionate about following the rules, and they were proud of it.

The move to automated flight service stations (AFSSs) has left a void in certain regions compared to weather information and communications that existed in the past. The FSS modernization plan called for consolidating 26 FSSs in Alaska into three automated facilities: Juneau, Fairbanks, and Kenai. In later 1991, largely through AOPA efforts in Congress, the auxiliary FSS (XFSS) concept was adopted. Alaska was granted 14 XFSSs and six supplemental weather facilities in addition to the three AFSSs. That plan is being implemented but not without pain. At Cordova, we visited a closed FSS that now operates as a supplemental station. Here, in the nearly abandoned FSS building, we met a contract employee whose only duty is to make local weather observations on the hour and transmit them to the FAA computer system. Even though most of the previously used FSS equipment remains in the building, the observer uses a low-wattage hand-held transceiver to radio local weather observations and current field conditions to pilots. No walk-in briefings were available, no one could pass along pilot reports, and no one was there to open or close flight plans. Despite the technology of the AFSS system, the contract observer's only response to requests for typical FSS services is to point to the telephone and have pilots call one of the three AFSSs.

That's another problem: Long delays using the 800/WX-BRIEF number were reported by the pilots we talked to. It sounded as though I was listening to complaints heard in the Lower 48 during the mid-1980s transition to the AFSS system. You would think the FAA could get it right by now.

Also, the FAA admitted to problems with remote radio frequencies—a serious situation because remotes are supposed to be the solution to the flight-plan filing and closing situation in the absence of an FSS. Pilots complained to us that the remotes were not working correctly and that contract couldn't be made, often because flights are made at low altitudes. One pilot was so frustrated, he recorded his inability to communicate. He handed me the audio cassette at one of the town meetings as evidence. Picture a pilot returning to an uncontrolled, non-FSS-equipped airport in the winter and at night. He attempts to use the remote frequency to close his flight plan but to no avail. After landing, he goes to an outside telephone in minus-40-degree weather and calls the AFSS but is placed on a long hold. Eventually, he just gives up and goes home to await a call from the FAA, which is trying to determine the aircraft's whereabouts before beginning search and rescue. This is not an unusual scenario, we were told.

FAA enforcement of rules designed for our Lower 48 airports need modification for Alaska. Wire security fences are required around a village airstrip with one commuter flight a day—yet hundreds of general aviation flights need ramp access for vital mail and cargo shipments. We also heard lots of familiar-sounding complaints about U.S. Customs.

AOPA will continue to be involved in helping Alaskan pilots with Alaskan problems. If

anyone ever wondered whether air transportation by light airplane is alive and well, just set foot in Alaska. It's obvious no explanation of the words general aviation is needed there. The bureaucrats in Washington, D.C., must realize that legislation and regulations that seem right for the Lower 48 don't necessarily make sense in the unique and rugged aviation environment we found in Alaska. One size doesn't fit all.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 1020) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5 p.m.

Thereupon, at 4:05 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. MIKULSKI).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business before the Senate is the Transportation appropriations bill, H.R. 2750. The Senate is deliberating the first committee amendment.

Mr. BAUCUS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana may proceed.

CHAPTER VI OF "SAVE YOUR JOB, SAVE YOUR COUNTRY"

Mr. BAUCUS. Madam President, I rise to discuss chapter VI of Ross Perot's book: "What Is in NAFTA?"

On its first page, he says:

Only a few Members of Congress have read NAFTA. Most Members of Congress are learning about NAFTA from lobbyists, special interests, or the short summaries of the trade agreement prepared by the special interests and the Governments of the United States, Canada, and Mexico.

Senators can judge for themselves whether that describes their approach. But chapter VI shows that Perot himself has a lot of reading left to do. In part 1 of NAFTA, which he describes in his book—this chapter—the three countries lay out their obligations to one another. That is the basic provision of NAFTA. Mr. Perot claims this section lets Mexico and Canada challenge some

United States laws. That might be a problem if it were not already true. Perot himself cites examples.

Example: In 1986, Mexico challenged our Marine Mammal Protection Act, and in 1990, Canada went after our excise tax on alcohol.

In both cases, the challenges came under existing trade agreements. Mexico's challenge was under the GATT, not under a trade agreement, just under the GATT. Canada's was under the United States-Canada Free-Trade Agreement. So NAFTA opens no U.S. law to challenge that is not already open to challenge under present agreements.

In fact, beyond that, NAFTA includes procedural protections that make it harder to challenge U.S. environmental standards under NAFTA than under other previous trade agreements.

Part 2: Trade in goods. Part 2 of NAFTA covers trade in goods. Perot has many complaints about it. But most boil down to saying that while NAFTA makes things better, it does not make them perfect. He is letting perfection be the enemy of the good. Let us look at a few of his complaints.

For example, autos. This is a familiar issue by now, and Perot says that under NAFTA, we Americans eliminate our tariff immediately and Mexico eliminates theirs slowly. That is true. On the other hand, our auto tariff is only 2 percent. The Mexican auto tariff—that is, on our cars going to Mexico—is 20 percent, 10 times higher than ours. Would Mr. Perot prefer that Mexico's tariff stay in place, as it will if we reject NAFTA?

On energy, Perot says Mexico did not abolish its constitutional ban on foreign ownership of oil resources. He is right. But he admits that NAFTA opens the Mexican's oil monopoly, PEMEX, to United States contract bids and allows United States firms to export natural gas to Mexico. According to the Washington Post, that will create—not take away—but create 8,000 jobs in the United States just on that one provision where Mexico agrees to open up PEMEX.

On agriculture, Perot notes that NAFTA requires Mexico to accept international standards of food inspection. He thereby implies that NAFTA is no good unless Mexico agrees to meet all the standards the United States has set for it under our domestic law.

Mexican agricultural exports must already meet all U.S. domestic inspection requirements. Mexico must continue to meet these American standards under NAFTA and must ensure that its domestic requirements meet international standards. That means NAFTA makes us as Americans better off.

Further, as I have noted, NAFTA actually has safeguards to protect U.S. environmental laws from challenges,

and it explicitly recognizes—and this is a key point—the right of State and local governments to set environmental standards that are higher than national levels, a provision no other trade agreement has ever contained.

Part 3 of NAFTA deals with technical barriers to trade; that is, making sure standards in nonagricultural industries do not unduly limit trade.

Perot says:

While the goal should be to raise Mexico's standards, which are lower than those of the United States, NAFTA uses international standards as the foundation for setting standards in the future.

In most cases, the differences between our standards and Mexico's are simply differences, as they have no basic effect on our health and safety. Neither is higher nor lower. To cite a hypothetical example, it is not better to drive on the right side of the road than on the left, but it is better for everyone to drive on the same side of the road. Just as driving on the same side of the road promotes safety, harmonizing technical standards—that is, making sure Mexicans can use American tools to fix Mexican-built machines and so on—promotes trade.

Thus, it is good that NAFTA helps create mutually acceptable technical standards. It will increase our trade opportunities, with the appropriate protections for U.S. environmental and safety standards, which NAFTA does provide. It is good for everybody.

Part 4 of NAFTA covers Government procurement. Here Perot concedes that the major change required by part 4 is to open parts of PEMEX, the Mexican oil monopoly, to American contract bids. This is a very big change. These NAFTA changes would give us new access to a \$6 billion market of energy procurement. That is a big chunk of the Mexican economy and a big gain for American workers.

Part 5 of NAFTA addresses investment and services. On banking and insurance, Perot admits that both U.S. banking and insurance industries will benefit from NAFTA. He says so in the book. In fact, he says:

In one of NAFTA's most beneficial provisions, Mexico opens its insurance market to United States and Canadian companies. Today, only 20 percent of Mexico's cars are insured and less than 8 percent of Mexico's homes have household insurance. U.S. insurance companies, to no one's surprise, are among NAFTA's biggest supporters.

Madam President, it is all true and it means economic growth for America.

Next is NAFTA's effect on professionals, like doctors and lawyers, and this charge may be the silliest in his whole book. To quote Perot:

NAFTA commits the United States to ensure that licensing of professionals is based on competence to provide the service and does not constitute a disguised trade barrier.

That sounds pretty reasonable because it is reasonable. It applies to Mexico as well as the United States. It

is a win for America, but Perot apparently is afraid it will cause a flood of low-wage Mexican doctors and lawyers to come to the United States. He claims it will endanger 15 million jobs. I, for one, am not worried.

Part 6 of NAFTA covers protection of intellectual property goods like creative works, trademarks, and inventions. Perot says that the intellectual property rights section of NAFTA aims "to improve Mexico's laws until they are strong and as rigidly enforced as those of the United States and Canada." Continuing: "Mexico agrees to abide by the provisions of the international agreements under intellectual property."

That sums it up. He is right. Ross Perot got it right. We got what we wanted on intellectual property, and that means American software authors, movie studios, writers, and inventors can export more to Mexico without worrying about piracy.

Part 7 deals with dispute settlement and NAFTA's proposed threat to the rights of U.S. citizens. In brief, the dispute settlement mechanism is no different from those we accept under the free trade agreement with Canada and under the GATT, and there is no threat to our basic American rights. But let us look at his charges.

The main charge on our rights, he says, is that NAFTA takes away the constitutional right of American citizens to seek redress in the U.S. courts if they are harmed by several types of international economic crimes, such as dumping.

He is wrong to say we lose our legal rights, but it is true that NAFTA would make the antidumping decisions subject to dispute settlement. That is routine. It is modeled on the free trade agreement we have with Canada.

Perot, as you would expect, says it will not work and the dispute settlement decisions will always go the wrong way; that is, against the United States. His main evidence in this claim is on page 95 that when the Bush administration selected 25 potential panelists for the United States-Canada dispute settlement panel, 14 of them were either registered foreign agents or partners in law firms that serve as lawyer/lobbyists for foreign countries.

Well, there are problems with the dispute settlement mechanism, but we can fix them without scrapping the NAFTA. For example, we can require that no American nominated to one of these panels can have worked as a foreign agent. We can fix that in the implementing language.

The problems were created by the agreement on free trade with Canada; NAFTA's mechanism simply copies the Canadian free-trade mechanism. The NAFTA is a chance to solve the problems that exist, as I said, through implementing legislation.

Perot goes on to claim, by the way, that our nominees to these panels are

secret and the Senate does not know who they are. Not true. They are not secret. We do know who they are. I have gone through the Canadian Free-Trade Agreement nominee list myself and Perot obviously has done the same.

NAFTA'S MISSING PARTS

The chapter concludes, that is, chapter VI, by saying that the environment and labor are NAFTA's missing parts. But, of course, this section in his book was written before the signing of the two side agreements, one on labor and the other environment. I think when people who are rightly concerned about those issues review the side agreements, they will feel much better about NAFTA. The side agreements provide protection for the environment and labor rights far beyond any of those in any other trade agreement.

Madam President, stay tuned tomorrow for chapter VII.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVENTS IN SOMALIA

Mr. SIMON. Madam President, I have just been handed a statement by CARE relative to the United States presence in Somalia. I ask unanimous consent to insert that into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CARE.

Atlanta, GA, September 28, 1993.

POSITION ON RECENT EVENTS IN SOMALIA

INTRODUCTION

Events in the beleaguered African nation of Somalia have, once again, come to the forefront of world attention. Officials for CARE, the world's largest private relief and development organization, are concerned about these events which overshadow many of the gains Somalis have made since last year's crisis.

1. CARE deplores the resumption of violence in Somalia and the loss of life among Somalis, United States troops, United Nations peacekeepers and humanitarian aid workers.

2. We believe a continued United Nations peacekeeping presence is needed in Somalia. A United Nations pull-out at this crucial stage in Somalia's rehabilitation could cause the country to revert to the tragic conditions of last year's brutal civil war and famine.

3. CARE feels that the United States must continue to play an active role in the international community's efforts in Somalia. While starvation is no longer a problem, humanitarian concerns, such as economic and social stability, are still threatened.

4. We support putting humanitarian considerations rather than military operations in the forefront of the United Nations efforts in Somalia. CARE encourages all parties in Somalia and UNOSOM to continue a dialogue aimed at finding political and eco-

nomic solutions for the country. Somalia must take responsibility for solving their own problems and must be allowed to actively participate in all aspects of the rebuilding of the country and its institutions.

5. We are concerned that the United Nations in Somalia is currently perceived as primarily engaged in military activities. This is making it difficult for us and other humanitarian organizations to function effectively on behalf of those we are there to help. CARE believes the U.N. must focus more on facilitating a dialogue between the warring factions.

6. CARE emphasizes that events outside the capital of Mogadishu are encouraging. The humanitarian work of NGOs and the United Nations has had considerable impact. The harvest in rural areas, such as Baidoa, has been successful. Northern Somalia is relatively stable. In Somaliland, local clans have signed a peace agreement and elected an interim president.

7. CARE is proud of its work on behalf of Somalia's poor. With the continued support of a concerned global public, we can help the people of Somalia rebuild their lives. It would be helpful if the media presented a balanced view of Somalia; not just Mogadishu, but country as a whole.

Mr. SIMON. Madam President, CARE—and I think this is the position of all the humanitarian groups—believes it would be a mistake for the United States just to pull out. What they do say, however, in a seven-point statement—let me just read two paragraphs—is this:

We support putting humanitarian considerations rather than military operations in the forefront of the United Nations effort in Somalia.

We have been obsessed, frankly, with trying to get General Aided. That is not the way we are going to bring about a rational stability to the situation in Somalia.

CARE goes on to say:

We are concerned that the United Nations in Somalia is currently perceived as primarily engaged in military activities.

I think that is the weakness of where we are right now. I think we ought to be looking for political solutions. It is no secret that General Aided has communicated to former President Carter that he is willing to sit down and negotiate and work this thing out. He controls one-fourth of the city of Mogadishu. The rest of Somalia is relatively stable. My strong belief is it would be a great mistake for us just to precipitously pull out, because I do believe there should be a different direction for our activities there.

Madam President, I yield the floor.

Madam President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mrs. FEINSTEIN. I thank the Chair.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. I rise to speak to an amendment which has not yet been offered. My colleague, Senator BOXER, will be presenting the amendment. In essence, what this amendment will provide is \$315 million as derived from the highway trust fund to be made available and remain available until expended.

The purpose of this amendment, Madam President, is to provide the necessary funding for the long delayed reconstruction of the Cypress Freeway in Oakland, CA which was destroyed in the Loma Prieta earthquake.

As many will remember, this freeway, the top part of it, the top lanes, came crashing down into the lanes underneath and just pancaked automobiles, killing almost three dozen people in the process. The destruction was a tragedy, but the lack of progress in rebuilding it has also caused an adverse impact on the entire San Francisco Bay area.

This freeway was a major link in the Oakland-East Bay Freeway System. It was a major commuter route and it was heavily used by the Port of Oakland and other areas in the East Bay.

In 1989, this Congress passed legislation that appropriated \$1 billion from the highway trust fund to cover emergency costs associated with the damage of the Loma Prieta earthquake and Hurricane Hugo. One billion dollars is a lot of money, and at the time it was the best estimate of the cost of the damage. The actual costs were difficult to estimate, but since then the actual costs, of course, have shown that more funds are necessary.

This is a Federal highway, Interstate 880, the maintenance of which is the responsibility of the Federal Government. It has always been the policy of the Federal Government to repair Federal roads damaged in disasters. In 1989 this Congress made a commitment to rebuild the freeway, and so today my colleague, Senator BOXER, and I are asking the Senate to fulfill that commitment. Currently, \$863.7 million is obligated for construction of this project. The rest of the contracts for this project are expected to be obligated by early next year.

The \$315 million included in this amendment would provide the necessary funds to obligate the rest of the contracts. The total Federal share for this project is expected to be \$800 million, \$550 million for construction and \$240 million for the purchase of the new rights-of-way. The new freeway will no longer be the stacked freeway and because of this change the project re-

quired the purchase of additional rights-of-way.

The city of Oakland and the State of California have worked closely to assure minimal impact from the new alignment and have achieved a workable plan. And now it is time to move forward.

Additionally, Oakland has almost 11 percent unemployment. For 4 years traffic that will travel on this freeway has been routed into city streets. These are containers coming from the Port of Oakland, they are trucking vehicles, they are buses, and they are automobiles.

There is a real need to close the loop on the issue of the Cypress Freeway. The President was in California. He made a statement that he was committed to rebuild this project.

The question before this body is should it be done on an emergency basis as there is precedent for so doing and pick up our obligations? This freeway came down as a product of an earthquake. It is necessary to rebuild it.

Madam President, I would like to have printed in the RECORD in support of this, letters from the Port of Oakland, the Oakland Chamber of Commerce, and from Congressman RON DELLUMS of the House of Representatives.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORT OF OAKLAND,
October 5, 1993.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The Port of Oakland supports and appreciates your efforts to secure \$315 million in emergency funding in the Senate Transportation Appropriations bill for the reconstruction of the Cypress Freeway, which was destroyed in the 1989 Loma Prieta Earthquake.

The Port of Oakland is situated at the hub of transportation in Northern California for water, air, rail and freeway routes. The ability of export cargo to easily reach the Port is a cornerstone of our growth. We supported the immediate rebuild of this vital transportation artery, but understood and supported the extensive negotiations with land owners and residents for the optimum routing. We participated in the design and functional off ramps to route traffic away from populated areas and to centralize cargo traffic.

It will be four years this month that the Port and the region will have been without this critical connection. The alternative routes are increasingly overburdened.

The Port of Oakland is the fourth largest containerport in the U.S., and 19th in the world. Over 90% of the containerized cargo moving under the Golden Gate is handled at Oakland. We are strategically situated between the bustling Pacific Rim and the industrial areas of America. The four year continued disruption of the transportation arteries leading to the Port has definitely had a negative impact on the ability of the Port to provide world class service.

The Cypress Freeway needs to be reconstructed now. The emergency funds nec-

essary to accomplish this vital link should be secured in the Senate Transportation Appropriations bill now being considered.

We strongly support your efforts to end this four year delay with the negative impacts for the Port, the City of Oakland, and the region.

Sincerely,

CHARLES R. ROBERTS,
Executive Director.

OAKLAND CHAMBER OF COMMERCE,
October 5, 1993.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR DIANNE FEINSTEIN: As you know, four years ago this month the San Francisco Bay Area was racked by the powerful Loma Prieta Earthquake. People died and property was destroyed in this temblor felt from Watsonville to Oakland. In fact, Oakland is where most of the earthquake's victims were killed in the collapse of the I-880 Cypress Freeway.

Shortly after the victims were recovered from the collapsed freeway, the remnants were demolished and trucked away. Traffic from this very busy freeway was diverted, and congestion swelled. Commercial traffic to and from the Port of Oakland and other local commercial districts slowed to a crawl. Commuters have lost countless precious hours fighting heavier traffic on fewer lanes. And yet work to replace this crucial freeway has not begun.

Oakland and the East Bay need for this project to start, and start now. The City of Oakland and the State of California have done their part. In an unprecedented level of cooperation between these two jurisdictions, community concerns such as freeway location, hiring practices and construction mitigation have been discussed and agreed upon. All we are waiting for now is for the federal government to help replace this vital federal freeway.

Oakland is dealing with many problems resulting from the earthquake and the Oakland hills fire. We are now confronted by a sluggish economy, inadequate for the Port of Oakland and base closures. Our unemployment rate is 10.8%. If we aren't in a state of economic emergency now, we surely never want to be in one. Development of efficient transportation infrastructure is imperative to our economic recovery. The Cypress Freeway Replacement Project is just exactly that. We cannot wait any longer. We need to start today. We appreciate your efforts to help us with this very important issue to Oakland's future.

Sincerely,

MARY C. WARREN,
Chairperson.
Rear Adm. ROBERT L. TONEY,
USN (Ret.), President and CEO.

HOUSE OF REPRESENTATIVES,
October 5, 1993.

Senator DIANNE FEINSTEIN,
U.S. Senate.

DEAR SENATOR FEINSTEIN: I write regarding the emergency funding request for California to replace the Cypress Freeway destroyed by the 1989 Loma Prieta earthquake.

I am delighted to learn that the President has approved an amendment to the FY 1994 appropriations request for the Department of Transportation that would provide an additional \$315 million to repair highway damage resulting from the 1989 earthquake.

The original emergency appropriation of \$1 billion was used to remove debris, repair numerous bridges in the San Francisco area,

including the Oakland Bay Bridge, and rebuild essential roads. It was not sufficient to rebuild and repair the earthquake damage done to the Cypress link of the highway system.

This request is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters. The President has designated the rebuilding proposal as an emergency requirement pursuant to the Budget Enforcement Act.

The collapse of this essential part of the freeway killed dozens of motorists and I know that the images of the rescue operations and the misery of the survivors are burned in our memory.

As you know, the Cypress Freeway was a critical link in the Bay Area freeway system, and its absence has created incredible traffic snarls on the replacement roads. Cypress was a double-stacked Interstate Highway that went through Oakland, California, the heart of my Congressional district. The reconstructed Cypress Freeway has been designed to provide the same functional capacity as the pre-earthquake roadway and will be placed in a new location.

We are proud that our community, by working cooperatively at every level of government and neighborhood, has arrived at a working agreement.

The San Francisco Bay Area is a vital part of these United States. The Cypress Freeway plays a critical part in the transportation scheme of this region. I ask for your strong support for the rebuilding of this last piece of that system.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

Mrs. FEINSTEIN. Madam President, I would also like to have printed in the RECORD a letter in today's Oakland Tribune which points out that Oakland has worked out a major contracting of this freeway which would provide the ability of construction firms to hire minority business firms, racial minorities, women and local workers.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oakland Tribune, Oct. 5, 1993]

BIG BUCKS PROMISED FOR CYPRESS

(By Edward N. Albrow and Craig Stacks)

The effort to rebuild the Cypress Freeway got a huge boost Monday when President Clinton announced he will ask Congress for an extra \$315 million, much of it to help West Oakland businesses displaced by the construction.

The announcement surprised and thrilled city officials, who had thought they would be lucky to get \$2.5 million in extra Cypress funding.

"We're delighted," said City Council member Natalie Bayton (West Oakland) who sat in the audience as Clinton made his announcement. "I had to be a lot calmer than I felt."

Much of the money will be spent not on construction, which is expected to begin in January, but on moving businesses in the West Oakland neighborhood. It also will be used to train local people to work on the freeway and other construction projects, Bayton said.

"A lot of the businesses in that Cypress Freeway area are threatened because of the increased cost of relocation (during construction)," Mayor Elihu Harris said. "This help really is important not only to the re-

building process, but to the continuation of the stability of the community after the freeway is rebuilt."

Bayton said that \$1.2 billion has already been allocated for reconstruction of the Cypress and related freeway improvements. Construction of the Cypress Structure itself will cost about \$695 million.

The new Cypress funding was the biggest piece of a \$655-million package of new spending in California that Clinton announced after a speech to the convention of the AFL-CIO.

"This request clears the way for Congress to allocate the money California needs and in my view is entitled to restore this vital link to the East Bay," Clinton said. "This is the kind of thing we need to be focusing on. You can't rebuild unless you have the materials to rebuild."

Also included among Clinton's announcements were a \$240 million science research project at Stanford University and \$100 million in housing subsidies for poor, elderly and disabled Californians.

Bayton stressed that the economic effect of the extra \$315 million in Oakland will depend on whether Oakland businesses and workers are hired for the project.

"If no Oakland people are hired to work on it, then it means the whole ball of wax would just pass through Oakland," she said. But if Oakland residents get many of the jobs, "it will be like a \$700 million shot in the arm for the Oakland economy."

In an attempt to ensure that local workers and minority businesses reap some benefits from the Cypress rebuilding, city officials want to select a team by November to review the performance of construction firms in meeting Caltrans' goals for hiring minority business firms, racial minorities, women and local workers.

The city's agreement with Caltrans calls for so-called "disadvantaged business enterprises" to get 35 percent of the work and Oakland residents, minority workers and women to perform 45 percent of the construction work, on a craft-by-craft basis.

Mrs. FEINSTEIN. Madam President, the belief is that if we can move this forward that in a severely depressed area—I might remind this Senate that you approved base closure recommendations which close every military base in that immediate area, the Oakland Naval Shipyard, and so forth.

So this is really an important project that could be helpful in putting people to work in moving cargo, in the commute. It is an authorized project. I am hopeful that we can fund it on an emergency basis to at least allow the \$315 million of the \$800 million obligation to move ahead.

I thank you, Madam President. I thank the chairman of the Transportation Committee.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, I ask unanimous consent to proceed as if in morning business at this point to respond to some of the issues raised on the NAFTA question for about 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. RIEGLE. I thank the Chair.

EVENTS IN SOMALIA AND RUSSIA

Mr. RIEGLE. Madam President, first of all, let me say at the outset, I just attended a briefing with many colleagues down in a secure room on the issue of events in Somalia, and also in Russia.

With respect to the situation in Somalia, I just want to express a personal view based on my observation and my thoughts as I went through this briefing process over the last hour or so.

I think whenever the United States is engaged militarily overseas there are several tests that have to be applied as to the wisdom of doing that. I think a central test is the question of whether any of us would be prepared to send our own son or daughter into that conflict situation, because if we are not prepared to answer yes we are prepared to send our own son or daughter, then I do not think we ought to send anybody else's son or daughter into that situation. We are all familiar with the events of the last several days and the last few weeks with respect to the not only killing of American forces in Somalia but now at least one individual who we have seen on videotape who has been taken prisoner, and I gather there may be others as well.

I also gather that there are those who have been killed with their remains having not been recovered by our forces. I cannot say that for a fact because I do not know if we know precisely all of the facts. But that is the picture that we see at the moment.

When I try to listen and understand what the mission is for the United States to remain there in this kind of a condition, I am having a very hard time understanding that or making sense out of it. Back at the beginning, the mission was of a different sort. It was to go out and combat the famine in Somalia, the widespread starvation of hundreds of thousands of people, and children particularly, and that problem was dealt with. We are told by and large that problem has been addressed, and that the famine and starvation is ended and crops are growing. So that original purpose has now been met.

So my thought is having listened to what was said and having evaluated what information we have, I think that we cannot settle a civil war over there between these competing factions that are called clans in this area. I do not think that should be our goal, quite frankly.

I think our goal now should be to protect our people, to secure the release of prisoners of war that have been taken over in that situation and certainly secure the remains of any American service persons who have been killed if we have not already been able

to do that. But to stay on in that situation, in that kind of absolutely primitive civil war situation, and put Americans at risk I think is not justified. So I hope that at the earliest practical time we could bring those forces out of there.

I know some will say, well, you cannot do that because we do not know who else is going to do this, that, or the other. It is a big world out there. We are 4 percent of the world's population. I do not think we can inject ourselves into these civil war situations in remote places like Somalia and try to dictate the terms and conditions. We can do it. But we are going to do that at great risk to our own people. And I frankly am not prepared to see the young men and women of Michigan committed to this kind of a situation where I do not think they are adequately able to be protected and where the mission I think is very unclear as to what will justify that kind of very serious commitment of American effort to ask our people to be there in the line of fire.

NAFTA

Mr. RIEGLE. Madam President, I want to now respond briefly to the remarks of Senator BAUCUS of Montana, who spoke earlier on behalf of NAFTA, the free-trade agreement with Mexico.

I think the NAFTA free-trade agreement with Mexico is one of the worst ideas to come down the track. It is a terribly flawed document with side agreements that do not in any way deal with those problems.

I want to read into the RECORD now an article that appeared in Business Week magazine just within the last 2 weeks, dated September 20, 1993. It is a very important piece under the heading Economic Viewpoint by a writer, a distinguished national economist, Robert Kuttner. This is what he said:

To oppose the North American Free Trade Agreement (NAFTA) is to be labeled protectionist, jingoist, apologist for declining U.S. industries, as well as callously indifferent to Mexico's poverty. I am none of these. Rather, my case against NAFTA is Keynesian.

Keynesian economics holds that total purchasing power (aggregate demand) needs to roughly balance the economy's capacity to produce; otherwise, supply exceeds demand and productive potential goes unfulfilled. To have a fiscal and monetary policy, not to mention a labor policy, you need a government. But North America is neither a country nor a government. The U.S., Canada, and Mexico have radically different laws, living standards, and notions of what is minimally decent. But pretending we are one country, we risk the country with the lowest wages and the fewest labor rights and environmental protections getting the jobs.

The good free-trader replies that by embracing open trade, we stimulate efficiency and thereby improve those very conditions. But the recent golden age of growth was the post-World War II boom—when trade was encumbered by relatively high tariffs and regulatory barriers that sheltered national eco-

nomics-development strategies. There was growing global commerce, but it was far from free trade. The advanced nations all had wages that rose with productivity, completing the Keynesian virtuous circle. Japan and Korea, the growth leaders, were among the most highly protected. Mexico, with state-owned and heavily regulated industries, enjoyed annual growth rates in excess of 5%, despite—or perhaps because of—economic nationalism.

When Mexico abandoned its economic nationalism in the early 1980s, it was not because the policy had failed or because Mexican leaders had suddenly seen the light. It was because excessive foreign borrowing based on mistaken projections of oil prices—and crushingly high interest costs imposed by Paul A. Volcker's Federal Reserve Board—suddenly gave the U.S. leverage to demand that Mexico's leaders become converts to free-market policies.

In the 1980s, Mexico real wages fell by over 30%. As interest rates have come down, Mexico has begun to recover, but real income is still well below its 1980 level. Against this history, NAFTA was devised as a reward for Mexico's forced conversion to the economic theories of the Reagan-Bush era. As repentant free-marketers, the Mexicans would enjoy preferential access to the U.S. market.

I offer this revisionist history not to commend protectionism but to suggest that the case for free trade is exaggerated. Extreme protectionism is surely bad. When every nation protects, as in the 1930s, the world economy contracts. But far more important than perfectly free trade is whether nations and the world system are pursuing high-growth, full-employment policies.

Defenders of NAFTA also claim that the gains of freer trade will be roughly symmetrical. As a poor, low-skill country, Mexico will attract low-skill jobs, leaving better ones to materialize here. But as University of California at Berkeley researcher Harley Shaiken has shown, there is a huge divergence between Mexico's rising skills and lagging wages. It is precisely this disparity that makes relocation there so attractive. As skilled jobs in the auto and electronics industries move south, there is no pressure to raise Mexican wages because of its massive unemployment. And as long as Mexico's wages lag behind its productivity, the purchasing power necessary to import goods from the U.S.—and hence to provide offsetting U.S. jobs—will lag, too. The current boom in exports of U.S. capital goods to Mexico is likely to be short-lived as Mexico diversifies its suppliers.

Henry Ford's insight was Keynesian: It's smart to pay employees enough to enable them to buy the products they make. But Mexico's auto workers, though nearly as productive as their U.S. counterparts, are paid under \$2 an hour and cannot afford to buy the cars they build. As wages lag behind output, supply outstrips demand. And as Mexico becomes an adjunct of the U.S. economy, the low-wage drag on Mexico's prosperity becomes a drag on our own.

To date, there is one useful byproduct of the NAFTA debate. Last month, when the proposed side agreement on labor standards was shown to House Majority Leader and NAFTA critic Richard A. Gephardt (D-Mo.), he dismissed it as window dressing. After hasty consultations, Mexican President Carlos Salinas de Gortari offered a new concession: Mexican wages would begin rising in proportion to Mexican productivity. This unenforceable promise introduces a Keynesian test into the trade debate.

If we truly wish to improve living standards in Mexico, it is not smart to throw away our own. Rather, we might gradually liberalize U.S.-Mexico trade if Mexican wages and conditions rise with productivity. Please note that this Keynesian case against NAFTA is rather different from that of Ross Perot, who is no Keynesian.

Let me conclude by saying those are the words out of Business Week of the noted national economist, Robert Kuttner.

The key issue I heard the other day is if we go into this free-trade agreement with Mexico, in effect, we are going to be expanding the American labor force by 60 million new workers. These are 60 million new Mexican workers, who work for one-seventh to one-ninth of what a worker here in the United States, on average, works for. If you think about it, you think about the widespread unemployment across this country, and of the unemployment in California—very high with the shutting down of defense industries, and corporations all across America getting rid of people. General Motors is doing it, IBM is doing it, and virtually every company one can read about is downsizing and removing people from the payroll, who then go out and have a very hard time finding jobs.

The free-trade agreement with Mexico will bring into this new free-trade market with us 60 million new Mexican workers, all wanting to work, and working for maybe \$1.75 an hour, maybe \$1 an hour. By the way, the minimum wage there is 58 cents an hour. On average, workers down there earn about \$2.35 an hour, if you take all workers together.

So if we want to introduce another 60 million workers into our work force, we are going to have a great big increase in unemployment here in the United States. Our people need these jobs. So it is not just a question of not closing factories in Michigan and moving them to Mexico. There has already been too much of that. We want to stop that. When I saw, the other day, that story that was recycled about General Motors—the largest corporation in our country, a company I work hard to try to help in terms of employment base and the policies affected by Government decision—they announced that somewhere between 50,000 and 100,000 workers were going to lose their jobs here in the United States over a period of time.

There was no announcement about any GM workers in Mexico losing their jobs, because the shrinkage in the work force is not taking place in the GM operations in Mexico. In fact, I suspect that those are going to grow. The shrinkage of jobs is occurring here in the United States where our people live and need work, if they are to have an income to support their families and to be able to try to provide the economic strength of the country that we need.

So this NAFTA agreement is a job killer. It is going to kill jobs in this

country. And we cannot afford to have that happen. It is very easy for somebody out of the line of fire, who is maybe up in a lofty position as an editorial writer or a college professor, or even as an elected official somewhere who does not have to deal head-on in terms of their job with this kind of third-world economic competition from a Mexican worker. But to those people in our society who do have to face that competition, there is no way in the world they can compete economically with the worker in Mexico that is being paid only one-seventh to one-ninth what the worker here is being paid.

When I visited a radiator hose plant in Michigan the other day, the entire work force was being laid off, and the plant was being closed and the operation being moved to Mexico. Most of the workers were women. Most were single-parent heads of households. I was on the public sidewalk, and I sent a message that I hoped they could come and talk to me at the shift change. They were told in the plant that if they did come out to talk to me on the sidewalk—a United States Senator—they ran the risk of not being able to work the last 2 weeks at the job before the plant was closed and their jobs sent to Mexico. There was that kind of intimidation used. Many came out to see me anyway. These women were being paid \$6.75 an hour, trying to support families on those kinds of wages. Those jobs now have all gone to Mexico. That is what this agreement is about.

The NAFTA is a jobs program for Mexico—plain and simple. It is a jobs program for Mexico. We need a jobs program for America. We need a jobs program for America now. We cannot say to our workers here, who have lost their jobs and are highly skilled and trained and have excellent work records, or are young college graduates coming out or coming out of work training programs and say: I am sorry, we do not have jobs for you, but we are going to go into a free market arrangement with Mexico, and we are going to allow a lot of the jobs in the United States to be placed in Mexico so that Mexican workers can have those jobs. We cannot say that to our country. That is self-defeating.

This is why no other advanced nation has ever gone into a free trade agreement with a Third World Nation where the differentials are as vast as this. It never happened before. Why do you suppose it never happened? It is because it does not make any sense. When the European common market was put together, Turkey wanted to join in, just as Mexico wants to join with us. But because the economic differentials were so vast, the environmental standards, the workplace standards, and the way the courts worked, and other things, Turkey was turned

away. They are not part of the European common market because the differentials were too vast.

They are that vast right now with respect to ourselves and Mexico.

So make no mistake about it. If we go into the NAFTA agreement, we are expanding the U.S. labor force by 60 million new workers. They happen to be Mexican workers desperate for work, working at a tiny fraction—and they will continue to work at a tiny fraction—of what our workers are able to earn and survive and live on in terms of America today. This is what is grinding down the working class in America.

I know the Senator from Montana was ridiculing the Ross Perot book. It is an important book to read. It has a lot of important content in it.

One of the points made in that book was this: Suppose we tried this experiment. Suppose we took just the State of California for the next 5 years. We took the State of California, and we allowed the State of California to lower the wage standards down to the wage levels of Mexico and to lower the environmental standards down to the environmental standards and enforcement of those environmental standards in Mexico, and we allowed California to lower the work standards down to what they are in Mexico.

Let us say we kept that in place for 5 years. What would happen to all the jobs in our country today? Many of those jobs would pack up and leave Michigan, New Jersey, Indiana, and Maryland, and they would go to California because of those enormous differentials. That is where the jobs would be after 5 years. They would all be out there because of enormous economic gains that can be made, particularly by the people that control the capital flows.

That is why this is essentially a Wall Street deal from start to finish, and it is Wall Street versus Main Street. It is a fight we have seen at other times. But this is sort of the ultimate expression of it in terms of sort of wrecking the job base here in the United States, and doing it in order to make billions of dollars in private profits.

Just as those jobs would move to California if California had much lower economic standards, they are going to move exactly the same way to Mexico, as they already have.

I have lost tens of thousands of jobs out of the State of Michigan; tens of thousands of jobs that we need right now. I have qualified, capable people in Michigan who need that work, who need the income to support their families, and they cannot find work because their work has been moved to Mexico.

And this NAFTA will speed that up and accelerate it beyond anything anybody has ever seen. In fact, if a company in a given industry goes down to Mexico to take advantage of those

wage differentials, it will widen out the operating margin and boost the price of its stock. Take what happened to the other firms in that industry. The pension manager of Wall Street and elsewhere is going to come to the other company and say: "Wait a minute. Your competitor just moved their plant facility down to Mexico, and they are now paying much lower wages. They widened out the profit margins and their stock is now selling at a higher price than it was before. Your stock is not because you are paying the higher American wage. I will tell you right now, unless you close down the American plant and move down to Mexico, we are going to get rid of you as the CEO of our company."

The CEO will say: "Wait. Don't blame me. I didn't want to go to Mexico. I didn't want to close the American plant. But I have the pension management people telling me if I did not, I would lose my job. So I had no choice. It is not my fault."

We are all a victim of circumstances. We are all going to be a victim of circumstances if this NAFTA passes. This is the ultimate outrage of trickle-down economics, and that is to continue the strip-mining of the job base of America in order to move those jobs down to a low-cost production center in Mexico.

By the way, do not assume that the jobs down there are all low-end jobs with respect to talent, effort, and productivity. In fact, a large part of our electronics industry and a large part of our automobile industry have already moved down to Mexico. There is sophisticated work being done down there.

Finally, people talk about all the exports we send to Mexico. We are not sending many exports to Mexico in cold point of fact. Over half of what we send makes a U-turn. We send some things down there. They are processed in a certain way. They turn right around and come back to the United States.

Even in that traffic, when you ask yourself the wisdom of that kind of move, if I am in Michigan, and I am going to send work, say, from Flint, my hometown, somewhere south, I am a lot better off if I am sending that work down to Pontiac, which is 20 or 30 miles away, and getting it processed and bringing it back to Flint. That keeps workers in Michigan employed. Why am I better off if I ship something from Flint not down to Pontiac, still in Michigan, but all the way down to Mexico, to have some work done on, say, an auto part down in Mexico, have the value added down there, have the Mexican worker employed only in turn to have the component part come back up to the United States?

What have I done? I have not gained a job. It may look like it in the numbers. I shifted something to Mexico because I shipped the end product down there to have some work done on it. But the cold point of fact is that they

have actually shipped the job down there. That is what has happened.

The guy or woman who had the job in Pontiac, who could have done that sub-assembly, is now somebody down in Juarez or Tijuana or some other place in Mexico.

I want the Mexican people to do well. I do not want to be misunderstood about this. This is not a xenophobic argument. But we better stand up for workers of this country. Why are we here if it is not to look after the job base of the United States of America?

I am convinced our most important asset in this country is our private-sector job base, and it is in trouble. We need to strengthen it and we cannot afford wholesale shipping of American jobs going to Mexico in the name of private profit.

That is what is involved here. I thought those facts ought to be on the RECORD, juxtaposed with those of the Senator from Montana.

I yield back the remainder of my time.

The PRESIDING OFFICER. The galleries will be reminded, the rules of the Senate are there are to be no expressions from the galleries.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from California.

AMENDMENT NO. 1021

Mrs. BOXER. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] for herself and Mrs. FEINSTEIN, proposes an amendment numbered 1021.

Mrs. BOXER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place under the heading Federal-aid Highways, insert the following:

"For an additional amount for emergency relief resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23 U.S.C. 125, \$315,000,000, to be derived from the highway trust fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

The PRESIDING OFFICER. If the Senator from California will withhold, without objection, the committee amendment will be set aside.

The pending amendment is now the one offered by the Senator from California.

Mrs. BOXER. I think the President and I would like to say that this amendment that is currently before us is being submitted by myself and Senator DIANNE FEINSTEIN.

On October 17, 1989, northern California suffered a devastating earthquake. Because it occurred shortly before the World Series was set to start at Candlestick Park in San Francisco, all America saw the results of that earthquake.

One of the lasting pictures of that earthquake is the collapse of the Cypress Freeway, part of Interstate 880, a Federal facility. The collapse resulted in the deaths of 42 people.

Today Senator FEINSTEIN and I and the Clinton administration are asking that the last construction award be made so that Interstate 880 can be rebuilt. The administration is asking us for \$315 million and the State will provide a match of about 10 percent.

Madam President, I ask unanimous consent to print in the RECORD the letter from President Bill Clinton asking for these funds as well as a letter from OMB Director Leon Panetta also asking these funds be made available.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,

Washington, DC, October 4, 1993.

THE PRESIDENT OF THE SENATE.

SIR: I ask Congress to consider an amendment to the FY 1994 appropriations request for the Department of Transportation. This request would provide additional funds to repair highway damage resulting from the Loma Prieta Earthquake in California.

I designate the \$315,000,000 requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The details of this request are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with the Director's comments and observations.

Sincerely,

WILLIAM J. CLINTON.

OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, October 4, 1993.

THE PRESIDENT,
The White House.

Submitted for your consideration is an amendment to the FY 1994 appropriations request for the Department of Transportation.

This request would provide \$315 million for the Emergency Relief program to repair highway damage resulting from the Loma Prieta, California Earthquake of 1989. This increase would allow work to continue on the replacement of the Cypress Freeway, which was destroyed during the earthquake. The original emergency appropriation to repair and replace highway damage was not adequate to complete repairs. The request is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters.

I recommend that you designate the \$315 million request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

I have carefully reviewed this proposal and am satisfied that it is necessary at this time.

Therefore, I join the Secretary of Transportation in recommending that this proposal be transmitted to the Congress.

Sincerely,

LEON E. PANETTA,

Director.

Mrs. BOXER. Madam President, two-thirds of the deaths from the Loma Prieta earthquake came from the collapse of the Cypress Freeway. This major commuter artery carried nearly 150,000 cars a day, linking up with the region's most heavily traveled corridor over the San Francisco Bay Bridge.

The bay area is a transportation hub with the convergence of two major ports, two international airports and four interstate highways. The collapsed Cypress Freeway segment of the Interstate System is a missing link that affects not only the local communities but commerce and industry across the country. Traffic now clogs local surface streets. Traffic is doubling up on Interstates 980 and 580, requiring higher maintenance on those Federal-aid highways. And, some freight destined for the Port of Oakland is being routed elsewhere because of the difficulty in reaching the port. This reconstruction project is a true emergency repair.

And I think the Congress acted very wisely, Madam President, after that earthquake when it said that the Federal Government could spend whatever sums would be necessary to fix this important interstate freeway. We now have the State and local agreement on this project. The new alignment will provide better access to the Port of Oakland as well as to a new regional postal center.

I understand that Senator FEINSTEIN put in the RECORD a letter from Congressman RON DELLUMS which lays out the history and emergency nature of this program. The letter says, in part:

The original emergency appropriation of \$1 billion was used to remove debris, repair numerous bridges in the San Francisco area, including the Oakland Bay Bridge, and rebuild essential roads. It was not sufficient to rebuild and repair the earthquake damage done to the Cypress link of the highway system.

And he goes on to point out what a critical link in the bay area freeway system the Cypress is.

Some will question why at this date should this project be considered emergency relief. It is emergency relief and here is why:

First, when Congress approved initial emergency relief from the highway trust fund to cover emergency costs associated with the damage of the Loma Prieta earthquake and Hurricane Hugo, it approved language in what is now Public Law 101-130 at section 108(e) that states and "such other amounts will be made available subsequently as required." That obligation is before us today.

Because of the size of the project, it will involve several construction contracts. Two major construction

projects were recently obligated. An additional \$315 million is needed to pay for the balance of the awards which are expected in this fiscal year. The State will match 8.5 percent of the cost to complete the Cypress Freeway.

I must remind the Senate that at the time the initial emergency funding was approved, there were no reliable cost estimates available, given the sheer magnitude of the damage.

And, again, in their wisdom, both the Senate and the House left the door open so that we could meet our Federal obligations. Forty-two people died because that freeway collapsed. It must be rebuilt. It is a Federal facility. It is an emergency.

I know there are those who are going to argue about this matter, and I expect a robust debate. But I think we need to be clear: This is an emergency.

Finally, the Office of Management and Budget has reviewed and recommended funding for this project as an emergency requirement. And anyone who knows our OMB Director Leon Panetta knows that he would not make this declaration lightly.

OMB Director Leon Panetta, in a letter to the President said:

The original emergency appropriation to repair and replace highway damage was not adequate to complete repairs. The request is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters. I recommend that you designate the \$315 million request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. I have carefully reviewed this proposal and am satisfied that it is necessary at this time.

The President notified the President of the Senate of the request for an emergency appropriation by letter on Monday, October 4. Again, that letter was submitted into the RECORD.

The urgent need is here. The obligation to make this Federal facility whole is upon us. Therefore, on behalf of the Federal Highway Administration, Senator FEINSTEIN and I are offering an amendment to provide the \$315 million needed to complete this emergency relief project. The amendment is consistent with the practice of fully restoring Federal-aid highway facilities damaged in disasters, and I ask for its approval.

Madam President, I thank you and I thank the chairman of the committee.

I want to say to my colleagues, I hope they have listened to some of this, because this is an obligation that we owe the people of California because, truly, this was a terrible emergency. We are almost completed with this project. The project was built in such a way as to withstand a future earthquake. The job needs to be done.

Again, I thank the chairman of the subcommittee for this time.

Madam President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from New Jersey, the chairman of the subcommittee.

Mr. LAUTENBERG. Madam President, we have heard the excellent presentation by the distinguished Senator from California and our colleague earlier about the need that they have to get this damage repaired that has lingered a long time. I believe that we are going to be discussing it in full tomorrow.

But for now, I ask unanimous consent—since that is the pending business, the amendment has been laid down—that we put the amendment aside to take up some other comments.

So I ask unanimous consent that we put the pending business aside, Madam President.

Mrs. BOXER. Reserving the right to object, so I might ask a question of the chairman.

Mr. LAUTENBERG. Certainly.

Mrs. BOXER. Madam President, I ask the chairman, is it his intention to bring this up as one of the first orders of business in the morning or at a particular time certain so that I can be prepared?

Mr. LAUTENBERG. I would like to do that as soon as we resolve what time the Senate will begin in the morning. I would like to continue with this discussion.

I ask our colleagues, if they have any amendments, to get them to the floor so we can deal with them. There is an urgency now to concluding the discussion on this bill. We have transit funds, transportation funds—highway, aviation, and rail—that have to be dealt with. To have these funds appropriated on a continuing resolution is not the way to do business.

So if anyone has amendments, I tell them and their staffs, please, tomorrow morning, we would like to start with the amendment of the distinguished Senator from California, but at some point in time, when that amendment is disposed of, hopefully favorably, we will go on to other business and try, with the help of the leadership on both sides, to wrap this bill up sometime in the morning tomorrow.

So we will start at whatever hour is deemed appropriate for opening the Senate with the Senator's amendment. For now, again, I would like to move on to some other things.

Mrs. BOXER. I thank the Senator. I will be here at whatever hour the chairman and the ranking minority member ask me to be here.

The PRESIDING OFFICER. Since there is no objection, the Senator's unanimous-consent request is agreed to.

Mr. LAUTENBERG. Thank you, Madam President.

I was reminded by the distinguished Member of the U.S. Senate, the President pro tempore, that if any references are made to "the Chair," he

prefers they be made to the chairman or to the chairperson or the chairwoman, because he said the chair is merely a piece of wood decorated with some other material.

Madam President, I thank you for your response to my unanimous-consent request.

SAFFORD BRIDGE AND LAUGHLIN-BULLHEAD AIRPORT

Mr. DECONCINI. Madam President, I would ask if the manager of the bill, Chairman LAUTENBERG, if he would entertain a colloquy concerning two items of report language which were left out of the committee report.

Mr. LAUTENBERG. Madam President, I would be very pleased to do so for my good friend and distinguished colleague from Arizona.

Mr. DECONCINI. As the chairman knows, I have twice requested \$10 million for renovation funding for the Safford Gila River Bridge. The Safford Bridge is the lifeline of agriculture and mining in southeastern Arizona. This bridge serves as the only heavy transport access route to the currently expanding mining, industrial, and residential developments north of the Gila River. As the county's annualized unemployment exceeds 10.5 percent and proposed mining operations expansion represents the most likely, if not the only, means for economic redevelopment, Federal assistance is vital to this struggling community.

Madam President, I would ask that during the conference committee, or at the appropriate time, that the Safford Bridge be added to the list of priority bridges for discretionary bridge funding.

Mr. LAUTENBERG. If the Safford Bridge meets the criteria established for bridges to receive discretionary funds, then I would be happy to support the Senator's request that the Federal Highway Administration give serious consideration to the application from Arizona for bridge funds.

Mr. DECONCINI. Madam President, I say to the chairman that the second request omitted from the committee report concerned high priority designation of the Laughlin-Bullhead City Airport for Airport Improvement Program [AIP] funding. This airport is located on the border of my home State of Arizona and the State of Nevada and serves one of the fastest growing resort, recreation, and residential communities in the Southwest. This project involves widening and lengthening of runway 34R and other construction activity necessary to accommodate larger, fixed schedule commercial operations. Also, I would note for the chairman that our friend and colleague from Nevada, Senator REID, is very supportive of this request.

I would ask that during the conference committee, or at the appropriate time, that the Laughlin-Bullhead City Airport be added to the list

of high priority airports within established criteria and within obligation levels.

Mr. LAUTENBERG. I would say to my good friends and colleagues on the committee from Arizona and Nevada that I would be happy to do so and thank Senator DECONCINI again for his understanding concerning the omission of the items from the committee report.

Mr. DECONCINI. I thank the chairman.

TRI-STATE PACIFIC COAST SCENIC BYWAY

Mrs. MURRAY. Madam President, I would like to engage the floor manager of this bill in a colloquy regarding the Tri-State Pacific Coast Scenic Byway. As the chairman knows, the House report on this bill directs the Secretary of Transportation to give priority to this highway under the Scenic Byway Program. Although the Senate report does not contain comparable language, does the chairman acknowledge the importance of this scenic byway to the Pacific Northwest, especially in light of the economic effect of the reduced timber harvest in communities through which this scenic byway passes?

Mr. LAUTENBERG. I agree with the Senator from Washington that the Tri-State Pacific Coast Scenic Byway is an important highway project that deserves strong consideration by the U.S. Department of Transportation for further funding under the Scenic Byway Program.

Mrs. MURRAY. I thank the chairman for his remarks. This scenic byway has received \$8,285,000 in Federal funds over the past 4 years. The States of Washington, Oregon, and California have provided the appropriate matching funds for these Federal contributions.

Mr. HATFIELD. If the Senator would yield, I join in endorsing the Tri-State Pacific Coast Scenic Byway. The reduced timber harvest levels in the Pacific Northwest has given heightened importance to this byway, which would enhance the tourism industry in the very regions most affected by the reduction in the timber cut.

Mr. GORTON. I, too, want to join my fellow Senators from Washington and Oregon in endorsing continued Federal assistance for the Tri-State Pacific Coast Scenic Byway. It represents an excellent example of the economic benefits that can be generated by modest Federal contributions from the Scenic Highway Program.

Mrs. MURRAY. I thank all the Senators for their remarks and yield the floor.

HIGH-SPEED RAIL CORRIDORS

Mrs. MURRAY. Madam President, I am extremely pleased that this legislation provides Federal funding for the implementation of high-speed rail corridors. With the unbearable traffic gridlock in this Nation, high-speed rail has become the mode of choice for

many State transportation planners and a focus of the U.S. Department of Transportation.

As the chairman is aware, the rail corridor from Vancouver, British Columbia, through Seattle and down to Eugene, OR has already been designated as one of the Nation's high-speed rail corridors. Both Washington and Oregon have now embarked on a long-term program to bring future high-speed service to the Northwest corridor. To accomplish this, the State governments, Amtrak, and the private sector have begun to work in partnership. Just this year, Washington and Oregon have appropriated over \$50 million in order to implement high-speed service. In the next few months, they are planning to lease high-speed rail equipment to inaugurate a daily run between Seattle and Portland. Given the excitement throughout the country generated by the X2000 tilt train, this Seattle-Portland run will keep the excitement for high-speed rail going. More than this, it will soon allow business people to travel among these cities without using a car or plane.

As Washington and Oregon make these substantial commitments to high-speed rail, it is essential that the Federal Government play a significant role in this partnership. I urge the Federal Government to become an active partner in high-speed rail transportation in the Northwest.

Mr. HATFIELD. If the Senator would yield, I join in endorsing the Northwest high-speed rail corridor. Washington and Oregon have worked hard on this program and I am in full support of their efforts. I also urge strong Federal participation.

Mr. GORTON. I would also like to voice my support for this undertaking.

Mr. LAUTENBERG. I am very encouraged by the fact that Washington and Oregon have brought all these parties together in order to achieve high-speed rail service. I am pleased to hear that they are leasing high-speed equipment to run between Seattle and Portland. The role of the Federal Government is to help upgrade infrastructure to accommodate high-speed trains. I believe that these two States are excellent candidates for this Federal funding.

AMTRAK

Mr. BIDEN. Madam President, I want to thank my good friend, the distinguished Senator from New Jersey, for his efforts on behalf of our country's passenger rail system. Every year, we face the difficult problem of providing adequate funding to keep the Amtrak system a safe, reliable, and competitive component of our transportation system.

As my friend knows well, I have a very personal stake in the reliable operation of the Amtrak system. I depend almost daily on the system to connect my residence in Delaware with my

work in Washington. In addition, for nearly 100 years Delaware has been the home of essential maintenance facilities for the rail operations on our country's east coast.

Last year, the funding level originally appropriated for Amtrak proved seriously inadequate. Long before the fiscal year was over we were threatened with the layoff of maintenance workers in those Delaware maintenance facilities. These maintenance workers are a key link in not only keeping reliable locomotives and coaches in service, but in assuring the essential safety of the passenger rail system.

Only through last-ditch reprogramming and supplemental appropriations a few months ago did we avoid service disruptions and layoffs of Amtrak personnel.

Madam President, a recent GAO report stresses that adequate funding for major overhauls is essential to maintaining the high safety standards we expect of Amtrak service.

But, Madam President, it was major overhaul facilities that were threatened with work reduction and layoffs when last year's operating budget of \$331 million proved inadequate.

The maintenance workers in my State have a hard-earned reputation for efficient, reliable work. They deserve the funding support to keep them on the job and to keep the Amtrak fleet rolling safely. Our country's rail passengers deserve and expect no less.

We can predict shortfalls like last year's, and similar threats to safety, operations, and job security, if the Amtrak appropriation for fiscal year 1994 were limited to last year's inadequate levels.

But, fortunately, Madam President, the distinguished floor manager of this bill and his subcommittee have shown the leadership we need on this issue by providing more adequate levels of funding for Amtrak's operating and capital accounts.

Madam President, I have personally received confirmation from Secretary Peña that the administration supports the more adequate subcommittee funding levels for Amtrak. This confirmation from the administration should provide solid ground for our conferees to stick with the Senate numbers for Amtrak when they meet with their counterparts from the House.

Again, I want to express my appreciation for the leadership my friend from New Jersey has shown on this issue. I ask that the letter from Secretary Peña supporting the funding levels of the subcommittee be inserted in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF TRANSPORTATION.

Washington, DC, October 5, 1993.

Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: Thank you for writing me to ask for clarification of the Department of Transportation's position on fiscal year 1994 funding for Amtrak, currently under deliberation in the Congress.

The Department supports the level of funding approved by the Senate Appropriations Committee in H.R. 2750—that is, \$351 million for operating assistance and \$208.580 million for capital assistance. In addition, we continue to support the \$137 million for mandatory payments to railroad retirement and unemployment funds.

While these amounts for operating and capital assistance are higher than the levels submitted in the President's budget request, they reflect the financial difficulties Amtrak has experienced in the past year. The recession and the floods of the Midwest have caused Amtrak's ridership and revenue to fall short of projections.

You are correct to note that the Administration was seeking an additional \$188 million for Amtrak in the President's economic stimulus package earlier this year. As we know, that package failed to pass Congress. A subsequent fiscal year 1993 supplemental appropriation of \$45 million for Amtrak helped Amtrak avoid further reductions in its already downsized overhaul and maintenance operations. However, the continuing malaise in Amtrak's revenue picture again threatens those operations, not to mention Amtrak's ability to adequately replace aging equipment with new, more efficient and reliable equipment.

Even with the amounts of funding for Amtrak in the Senate Appropriations mark of H.R. 2750, Amtrak still must shoulder some management actions and reductions in service to thrice-weekly on several poorly performing routes. We at DOT believe, however, that these levels of funding will allow Amtrak to offer safe service to the traveling public.

Thank you again for soliciting the Department of Transportation's clarification of this matter.

Sincerely,

FEDERICO PEÑA.

TIRE RECYCLING

Mr. CHAFEE. Madam President, section 325 of the Transportation appropriations bill now before the Senate suspends for 1 year enforcement of a program that was established under the Intermodal Surface Transportation Efficiency Act of 1990. Under this program States are to use recycled materials including crumb rubber from scrap tires in a small portion of the highway construction projects built with Federal assistance each year.

Scrap tires are a serious environmental problem in the United States. Each year we discard approximately 250 million used tires. With the advent of the radial tire design, passenger car tires can no longer be retreaded or ground up and used to make new tires. So they are piling up in tire dumps all across the nation. Today, between 2 billion and 3 billion tires are located in tire piles around the country.

These tire dumps are breeding grounds for disease carrying mosquitos and rodents. They are also often the lo-

cation of toxic fires that cloud the skies and pollute our streams and ground water resources. Just 2 weeks ago we experienced another serious tire fire. This one occurred at a tire pile containing more than 1 million tires located at Inwood in Berkeley County, WV.

The fire was apparently started by an arsonist in the early morning hours of September 14. It burned for 3 days and took 50 fire departments employing 200 firemen to control. Volunteer firemen from Virginia, Maryland, Pennsylvania, and New Jersey were called in to help fight the blaze. Luckily no one suffered any acute, serious injuries, but the cloud of toxic smoke could be seen from 30 miles away and the runoff from the firefighting efforts threatened streams and ground water supplies in the area. The State of West Virginia has now begun the expensive process of cleaning up the site.

Madam President, I would ask unanimous consent that an article entitled "Hundreds Battle Huge Fire That Darkens Berkeley," from the September 15 edition of the Martinsburg Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNDREDS BATTLE HUGE FIRE THAT DARKENS
BERKELEY

(By Rodney A. White)

INWOOD.—Two-and-a-half acres of tires at a huge tire pile in southern Berkeley County erupted in flames early Tuesday morning belching an umbrella of sun-obscuring black smoke into the sky, canceling classes and closing roads.

Hundreds of emergency workers and firefighters from West Virginia, Virginia, Pennsylvania, Maryland, and New Jersey fought the burning tire pile for about 21 hours before getting it under control. It had nearly been extinguished late Tuesday night.

No one was injured in the fire. The fire was believed set about 3:40 a.m. in a corner of the former Associated Tires Distributors Inc., said South Berkeley Fire Chief Ed Keesecker.

About 2½ acres of the 10-acre tire pile began burning early Tuesday morning and continued to burn throughout the day. A column of smoke rose about 300 feet above the burning tires before the wind pushed it north nearly parallel with Interstate 81.

Many roads were closed around the site to allow access to emergency crews and trucks delivering water to the fire crews. The closing of the roads caused schools and some businesses in the area to shut down for the day.

For years, local citizens and officials have expressed their concerns and their fears that the tire pile would go up in flames and cause a major environmental and safety hazard for the county. Those fears were realized Tuesday morning.

A handful of firefighters and equipment remained at the scene overnight to watch the remaining hot spots.

This morning, the long process of mopping up begins. It will be days before the mopping up and cleaning up process will be complete, Keesecker said.

But by nightfall, it was clear the end was in sight.

Martinsburg Fire Chief Doug Fellers said he had never seen so many men and so much equipment at one fire. "I've seen trucks I've never heard of before," he said.

But what pleased him and others most was the fact everyone "was working in unison. I've never seen anything like this," he said.

The fire was contained to the southernmost 2½ acres of the 10-acre pile of some 1.2 million tires.

Throughout the day, sirens screamed as firefighters from dozens of companies rushed to the scene in tanker trucks. At one point, it was feared the firefighters would consume more water than was available from Mill Creek and the Berkeley Public Service District.

A realignment of resources, along with some creative use of equipment, stabilized the supply problem.

Firefighters were anxious to find any good signs and during the day, they did occur. One of the earliest—and best—was the change in the color of smoke. As it became less black and more gray, Keesecker said that meant "we're containing it."

But from time to time, the column did turn blacker as the fire seemed to regain momentum. Each time, firefighters battled back.

It was impossible to catalog the acts of bravery. Heavy equipment operators from private companies, the 167th Air National Guard and the state Division of Highways braved the flames and toxic smoke to make roads and widen the fire breaks. As a result, a 40-foot-wide path separated the burning pile from the unaffected areas.

Volunteer firefighters in teams of four and six equipped with air masks fought a holding action from inside the perimeter. To avoid exhaustion, the teams would fight the fire for only 20 to 30 minutes at a time.

To make sure traffic moved through the area, sheriff's deputies and others guided vehicles past the entrance and discouraged sightseers. One of the northbound lanes of Interstate 81 was closed to permit firetrucks to reach the fire from the west side of the property.

Gov. Gaston Caperton said he directed the state Division of Environmental Protection to expedite the process of cleaning up the tire pile.

Echoing Caperton, David Callaghan, director of the DEP, said the state would quicken the pace to take legal control of the property. The pile was the creation of now-defunct Associated Tire Distributors Inc.

He also said he would try to find state funds to help cover the costs of fighting the blaze. He said he would find out if it would be possible for the state to provide some security at the site. All this depends on whether Attorney General Darrell McGraw will permit some creative uses of state funds, Callaghan said.

Only last Thursday, representatives from 11 potential bidders on the Inwood pile clean-up toured the site. The state was going to open bids on the project on Nov. 19, Callaghan said they would see if they could "expedite that."

He said up until July, the state didn't have the authority to clean up the site, let alone the funds. It moved as quickly as it could, he said.

Assistant State Fire Marshal Eddie Robinson called it "of suspicious origin." Firefighters said they believed the blaze was deliberately set.

Keesecker said at about 1:10 a.m. Tuesday, the county's central dispatch office was

called from a phone in Arden, reporting a fire at the Texaco Station on Greenhouse Road. A search of the area revealed nothing.

Concerned about the suspicious nature of the call, Keesecker said he drove up the mile-long dirt road to the tire pile at about 2 a.m. He saw where some vehicle had "spun out" and scattered gravel, but no other suspicious signs.

At 3 a.m., after most of the volunteers had gone home, they were called out again by central dispatch. This time there were visible signs of fire at the tire pile.

Deputy South Berkeley Chief Bruce Chrisman was the first at the scene and could see the flames leaping into the air. He and another fireman scorched their hands as they lifted and pulled away the main entrance gate to the pile.

Ironically, less than two weeks ago, South Berkeley Fire Department conducted a firefighting drill at the scene.

As firefighters poured into the scene, the call went out for more tankers. First volunteers from across Berkeley and then Jefferson and Morgan counties responded. Then the call went out to volunteers from Maryland and Virginia, and eventually, Pennsylvania and New Jersey.

No one kept count of the volunteers arriving at the scene, but at one point there were more than 200 present.

Backing up the firefighters was the Salvation Army which distributed soft drinks and water and all kinds of sandwiches. Domino's gave stacks of free pizza and the local McDonald's franchise distributed dozens of free lunches and large drinks.

Dave Shipley, assistant chief of South Berkeley, said the fire was hot "and very smoky. It's sloppy and its muddy back there. In some places, the mud is 2 feet thick."

South Berkeley Firefighter Scott Humphrey said walking into the areas where the fire is hottest, "is like walking into a room with no windows."

Fireman Bruce Davis, his face speckled by the water and soot, rested under the tree and recounted his battles with the blaze "that won't go out."

The overall strategy at that point was "surround and drown" but the fire was proving to be waterproof, Davis said. "We've been fighting a losing battle (because) the fuel load is so great."

The 14-year-veteran said he wasn't afraid of the fire—"you can't be afraid. You have to respect fire."

At one point early in the day, Keesecker and the other leaders contemplated using foam to extinguish the blaze. The Air Guard was prepared to offer its foam, but they had a limited supply. It was clear the fire would have to be beaten down even more before any foam could be used.

Foam, according to Capt. Curtis Keller, a Berkeley County sheriff's deputy, can actually smother the flame. Water can't. "But it's not effective to use it with the wind blowing," he said.

In addition to rendering the foam unusable, it could also cause the fire to leap over the fire line established by the firefighters.

At 11 a.m., during another strategy session, it was decided not to use the foam, opting instead to use somewhat less water—firefighters were pouring nearly 7,000 gallons of water or more a minute on the fire.

Most important, they would ask the heavy equipment operators—again—for help.

Fighting a tire pile fire is much like fighting fires in hay bales, explained Keller. The hottest part of the fire is at the core, and the only way to get at the core is to break it apart.

Terry Markle, owner of Markle's Excavating, said a volunteer asked him to move up some heavy equipment as he tried to wipe off the soot from his face. "I didn't know it was going to be like this," he said.

At about 1 p.m., two bulldozers equipped with scoops and a third with a blade lined up at the entrance. They charged into the smoldering remains of the old, smoldering trailer rigs and pushed them aside. Then they charged through the chain-link fence in an effort to widen the entrance and give themselves some room to work.

At one point, Martinsburg Chief Fellers exclaimed, "They are brave men!"

At any given moment, the fire would erupt from the pile. Firefighters from atop Martinsburg's hook-and-ladder truck, would blast the blaze with water blowing out their hoses at a rate of 1,200 gallons per minute.

Like the firefighters, the bulldozer operators worked in teams, each only staying near the fire as long as could be done safely.

Moving against the face of the burning pile, they removed a 10- to 12-foot section, exposing a blackened core and another hot spot. As new hot spots were revealed, they were hit by another stream of water.

As the day wore, Eddie Keesecker smiled. "I think we're getting it now," he said.

By 7 p.m., Keesecker grinned. He could see an end to the fight.

Keesecker and Keller said it would take days, not hours to put out the fire. He was concerned about how long the volunteers could withstand the pace, and for that matter, how long the equipment would hold out.

Fellers had no doubt about either. They would stand up "because they have to."

Tire pile fires create three things—carbon black, which blows away, tons of steel cable, and gallon of coal black oil byproducts. It is the latter that caused local DEP officials the most concern.

Each gallon of water that was not heated into steam carried on its surface black droplets of gunk. Early, a dike was hastily constructed along the south face of the tire pile, and that caught most of the contaminated water.

But as the heavy equipment operators began the process of peeling back the pile, more oil contaminated water flowed away from the pile, and threatened to flood an adjacent field with pollution.

DEP Environmental Inspector Kevin Lilly said he believes they were able to capture most of the oil and so relatively little got onto the field. But it won't be known for a long time if any ground water supplies would be affected by the pollution, he said. He did say they were able to guide the runoff away from some nearby sinkholes.

The sludge that does settle on the fields can be cleaned up later, he said.

Berkeley County Sanitarian Jim Burkhart said the water from Dove Spring, which is about two miles away, would be the first to reveal whether there had been any contamination.

The long-feared fire was expected to cause considerable economic and social dislocation. But Keesecker and Keller said only three nearby schools, Musselman Middle and High School and Inwood Elementary, had been closed. No evacuations had been initiated.

Chet Amick, manager of the Knouse Food Plant in Inwood, said he had shut down operations at the plant to help the public service district conserve water. Amick along with other local business owners and managers for years had quietly urged the state to address this problem-in-waiting.

Amick wasn't critical of the state Tuesday, saying he believed they were doing all they could to help. But he said he believed that this fire also was Callaghan's "worst nightmare."

Fred Gold Butler, who owns Wright Motors, said he was thankful that the firefighters were so adept in containing the fire as quickly as they did. "We thought this could happen. It was an environmental disaster before, now it is a very big problem," he said.

In an effort to make better use of their limited water supplies, they called on Jefferson County farmer Lyle "Cam" Tabb to bring his agriculture pumps. These pumps could pull water away from the ponds and permit the trucks to use it again. The sludge carried by the water would stay on the surface and would not be blown back onto the fire.

Callaghan, who arrived shortly after noon in a state-owned helicopter, said "You have to understand, we had no legal authority to spend any money (on this problem) until July 1."

That authority wasn't granted by the Legislature until this year, he said. The money for the removal of the tires is to come from the state's landfill closure fund. "It is our top priority," he said.

He acknowledged there is some ambiguity as to who actually owns the property. The Old National Bank has paid the back property taxes on the property, but he said they do not have the deed. That is still held by the owner, who lives on the west coast.

If necessary, he said the state will condemn the property to take title, but he said he thinks that given the fire, that won't be necessary.

Getting rid of this pile, or the one in Grant County, which is 10 times as large, isn't going to be easy, he said. "If they had been of any great value," he said, "we wouldn't be here."

Mr. CHAFEE. Unfortunately the fire in Berkeley County, WV, is not a unique event. Ten years ago a fire at Winchester, VA, burned for 9 months costing the community \$1.7 million to extinguish. That site is now on the Superfund National Priorities List. EPA reports that there are about 100 major tire fires across the country each year.

Three billion scrap tires stored in piles, some containing millions of tires, with the quantity growing by more than 200 million tires per year is a serious solid waste program that needs attention. We found a way to make a small contribution to the solution of the problem by enacting the crumb rubber asphalt program as part of the 1991 in the Surface Transportation law.

For many years some States, principally California and Arizona, have been experimenting with the use of recycled tire rubber as a binder in asphalt pavement. A variety of asphalt mixes and processes have been tried over a wide range of road uses and climatic conditions. It works. There is even evidence that asphalt pavement may perform better than conventional pavement in some applications.

As we prepared the Intermodal Surface Transportation Efficiency Act, we

saw an opportunity in the highway program to solve an environmental problem caused by highway users. Used tires are generated by people driving on the roads we build with Federal funds. If those same roads could be built with asphalt composed of recycled tires, the Federal highway program could make a contribution to solving one of the major environmental problems that it creates.

There were naysayers. We were told that asphalt containing rubber would not perform well, that it might cause health or environmental problems, or that it cannot be recycled into new roads as most asphalt is today.

We addressed those concerns head on in ISTEA. The statute gives the Secretary of Transportation authority to set aside the tire recycling requirement, if asphalt containing rubber does not perform to specifications, if it causes any health or environmental problem or if it cannot be recycled. We asked DOT and EPA to do studies on these questions. The studies are done. There is no evidence to support any of these claims. If there was any evidence, I am sure the Secretary of Transportation would have used his authority to set aside the requirement.

The real issue is cost. Asphalt containing recycled tire rubber costs more than conventional asphalt. There are several reasons for the higher cost. First, some of the rubber pavement processes have been under patent which has increased the cost. Those patents have now expired. Second, most projects done to date have been experimental with the asphalt mixed in small batches. That undoubtedly increases the cost. As we use more of this material that factor will be overcome.

Third, rubber pavement costs more because it is necessary to grind the tires to crumb rubber to get usable material. This factor will always mean that asphalt containing recycled tire rubber will cost more than conventional pavement. Is it reasonable to incur this increased cost in our highway program? That is the real question.

Whole scrap tires cannot be disposed. They cannot be sent to city and county landfills, because they cannot be compacted like other solid waste. If you try to landfill whole scrap tires with other garbage, the integrity of the landfill is destroyed and health and environmental problems are bound to occur. Before a tire can be thrown away it must be shredded into small pieces that can be compacted and buried. Whether we put this shredded material in a dump as a solid waste or we put it in our highways as a recycled material, the Nation must still bear the cost of shredding the scrap tires. And every day we delay means that more communities like Berkeley County, WV, will have to bear the cost of fighting tire fires and cleaning up afterwards.

Highway users create this solid waste problem. At some point we must bear the cost of shredding these tires, if we are to rid ourselves of the tire piles. It is in my view entirely reasonable to ask highway users to bear at least part of the cost to solve this problem by recycling scrap tires into asphalt.

I know that some Members of the Senate want to look at options that would give the States flexibility to use shredded tire material in other highway applications. I would note that section 1038 of ISTEA already provides some of that flexibility. Up to 5 percent of the rubber pavement requirement may be met by using other recycled materials in asphalt or in other parts of highway projects. The Secretary of Transportation was required to do a study on these other options. DOT has not carried out its responsibilities under this part of the act.

We should consider other uses for recycled tires. The National Asphalt Pavement Association has published a report indicating that shredded tire material may be cheaper than some conventional materials now used in other aspects of highway construction. If that is the case, we ought to move swiftly to utilize the recycled material. Perhaps we can go well beyond the goal for tire recycling that was established in ISTEA by looking at these other uses.

In regard to the specific provision now pending before the Senate, I would note that it sets aside section 1038(d) of ISTEA. This subsection establishes sanctions for States failing to use asphalt containing recycled tire rubber. It is unlikely that any State would face a sanction for 1994 in any event, since the requirements for that year can be met by recycling conventional asphalt into new highway projects. No State should have any difficulty meeting the 1994 requirement with the so-called RAP or recycled asphalt pavement option.

Madam President, I know that many Members have heard about this provision of ISTEA from their transportation departments and from people who supply conventional asphalt pavement for road projects. I want my colleagues to know that there is also a long list of interested groups on the other side, including the solid waste officials of State and local government, who support the tire recycling provisions of the surface transportation statute. Madam President, I ask that five letters reflecting this support be printed at the conclusion of my remarks today.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC WORKS ASSOCIATION,
Washington, DC, July 27, 1993.

Hon. MAX S. BAUCUS,

U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: If let stand, actions taken by the House of Representatives

will "scrap" an important component of the Intermodal Surface Transportation Efficiency Act (ISTEA)—the scrap tire rubber recycling requirements of Section 1038(d), Public Law 102-204.

The Transportation Appropriations Bill for FY 1994 denies the use of funds for implementing, administering or enforcing the provisions of Section 1038 which was designed to foster improved, cost effective pavements that recycled discarded tires. The benefits of Section 1038 go beyond improved highways. A major, costly, solid waste problem—scrap tires—would be reduced by estimates of two hundred million scrap tires by 1998.

Resource recovery is a mounting concern of the American Public Works Association (APWA). Our policy, representing the objectives of 27,000 members, states: "The APWA supports the principle of providing economic incentives to . . . increase the demand and stabilize the market for recycled materials. It supports efforts to develop an enlightened public attitude toward the recovery and utilization of resources from solid wastes . . ." This policy was first formalized in 1973.

In 1989, APWA adopted the following policy position: "The APWA recommends that public agencies routinely consider the purchase of materials manufactured in whole or in part from recycled waste; specify recycled materials in requests for proposal; and otherwise modify their purchasing procedures to give preference to suppliers that are able to provide products at a comparable cost and of acceptable quality derived, in part, from recycled municipal solid waste."

Most recently (1992) the Association stated: "The APWA recognizes that appropriate fiscal policies and funding mechanisms must be developed at the federal, state and local levels to promote effective recycling."

Within our membership, there is far reaching support for the scrap tire provisions of ISTEA. The savings to local governments in costly and increasingly harder to acquire landfill space can be considerable; likewise in collection and hauling. Section 1308 is both environmentally and fiscally responsible. We urge the Senate to restore funding. Please let me know if I can provide further assistance.

Sincerely,

CHARLES A. BYRLEY,
Director, Washington Office.

THE NORTHEAST RECYCLING COUNCIL,
Brattleboro, VT, July 13, 1993.

Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: On June 22, 1993 the United States House of Representatives' Committee on Appropriations reported H.R. 2490 to the full House. The bill makes appropriations for the Department of Transportation and related agencies for FY 1994. Section 330 of H.R. 2490 states that none of the funds made available may be used to implement, administer, or enforce the provisions of section 1038(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Section 1038(d) of ISTEA requires states to meet minimum utilization requirements for asphalt paving containing recycled rubber in federally-funded road paving projects. This provision would create a substantial market for the millions of scrap tires discarded annually in the northeast. According to an impact assessment of section 1038(d) of ISTEA conducted by the Northeast Recycling Council (NERC), when fully implemented in 1997, federally-funded road paving projects could

consume an estimated 30 percent of all scrap tires generated annually in the northeast (see enclosure for information on state-specific estimates).

The full House is scheduled to vote on the appropriations bill on July 19. We are concerned that if section 330 remains in H.R. 2490 it will jeopardize development of a major new market for scrap tires in the northeast.

Thank you for the opportunity to bring this matter to your attention.

Denise Lord, Director, Office of Planning, Maine Waste Management Agency, Chair, NERC; Jeffrey Lissack, Director, Recycling Market Development, Massachusetts Department of Environmental Protection, Vice chair, NERC; Andrea Cohen, Chief, Recycling & Resource Conservation, Vermont Division of Solid Waste Management; William Colden, Chief, Bureau of Waste Reduction & Recycling, New York Department of Environmental Conservation; Will Ferretti, Director, Office of Recycling Market Development, New York Department of Economic Development; Janet Keller, Director, Office of Environmental Coordination; Rhode Island Department of Environmental Management; Keith Kerns, Chief, Division of Waste Management, Pennsylvania Department of Environmental Resources; Janet Matthews, Director, New York Legislative Commission on Solid Waste Management; Guy Watson, Bureau Chief, Division of Solid Waste Management, New Jersey Department of Environmental Protection.

**U.S. PUBLIC INTEREST
RESEARCH GROUP,
Washington, DC, July 23, 1993.**

DEAR SENATOR: We, the undersigned organizations, urge you to oppose special interest efforts to weaken existing federal law with respect to the recycling of used tires.

Currently, billions of tires are stockpiled across the U.S. and three hundred million more are discarded every year. These discarded tires represent a public health hazard and a waste of precious natural resources.

Recognizing the problem, Congress enacted Section 1038 of the Intermodal Surface Transportation Efficiency Act (ISTEA). This section of ISTEA requires that a very small amount of used tire material be blended into asphalt used in road construction that is financed by the federal government. Use of tires in this fashion has been certified as providing performance at least equal to paving material made from non-recycled material and to be of no threat to public health and safety.

A major lobbying effort has been initiated to undermine this provision that would reverse the progress already achieved by this provision.

According to the National Association of Counties, used tires represent one of the biggest solid waste problems facing the country. Not only do they serve as a very visible blight to the urban and rural landscape, they provide habitat for rodents, snakes, and insects. Tires are extremely flammable and tire fires emit large amounts of acid gases, heavy metals, and toxic organics including dioxin into the atmosphere. Tires are derived from petrochemical sources and exact a significant price for production.

We urge your leadership to prevent weakening of this modest provision. As a nation, we need to move forward, not backward, as our nation's recycling rate is already the

lowest of any industrialized nation in the world.

Sincerely,

Susan Birmingham, United States Public Interest Research Group; Richard Denison, Ph.D., Environmental Defense Fund; Eleanor Lewis, Center for the Study of Responsive Law; Robert Collins, Clean Water Action; Heide Halik, Sierra Club; Marchant Wentworth, Izaak Walton League; Lisa Collaton, Environmental Action.

**SURFACE TRANSPORTATION
POLICY PROJECT,
Washington, DC, September 9, 1993.**

Hon. JOHN CHAFFEE,
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFFEE: The members of the Surface Transportation Policy project (STPP) oppose the provision in the House Transportation Appropriations bill, H.R. 2490 (now H.R. 2750), which prohibits the use of federal funds to implement Section 1038(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). STPP continues to urge Congress not to change ISTEA. ISTEA made important changes to many of the "business as usual" practices and needs to be nurtured, not inhibited.

Section 1038 Use of Recycled Paving Material was put in ISTEA to improve the quality and lifecycle of roads, and to address the growing problem of used tires which for some states is a leading solid waste problem. Section 1038(d) Use of Asphalt Pavement Containing Recycled Rubber, the provision for which the House Appropriations bill prohibits funding, involves USDOT certification and oversight.

The American Associations of State Highway Transportation Officials (AASHTO) and the National Asphalt Pavement Association (NAPA) have asserted that rubberized asphalt is too costly, causes worker health problems and has performance problems. The majority of evidence suggests otherwise.

Rubberized asphalt is currently cost competitive and the price will continue to come down. California, Arizona and Florida use rubberized asphalt with no "in-place, upfront" costs and gain net savings from greater durability. The European Community saves pavement costs with greater durability and economies of scale. In the AASHTO and NAPA cost estimates, they fail to take into consideration the disposal cost of tires, which is estimated to be greater than one dollar for each disposed tire. Additionally, AASHTO failed to incorporate the recent availability of previously patented manufacturing processes which have reduced costs by 45 percent. Millions of dollars are not being invested in this manufacturing process. Furthermore, as larger projects replace the current small experimental projects, economies of scale and greater competition will continue to drive the cost down.

NAPA asserts that workers' health may be at stake. However, USEPA and USDOT were required to investigate this issue, and the result of an 18-month review showed no evidence of worker health problems. The review was conducted by seven independent laboratories. Additionally, the European Community has used rubberized asphalt for over 25 years without worker health problems.

The real health problems are associated with the two to three billion waste tires. Landfills with used tires are a breeding ground for mosquitoes and rodents. Additionally, dumping grounds for used tires catch on fire releasing toxins in the air. Fur-

thermore, used tires can leach other pollutants from oil and gas on the surface of the tire and from zinc in the steel belts.

Performance is quickly becoming a non-issue. Europe has successfully used rubberized asphalt for over 25 years. In fact, it was the European success which prompted USDOT to pursue greater use of rubberized asphalt. In 1991, FHWA, AASHTO, NAPA, the Strategic Highway Research Program at USDOT, the Transportation Research Board and the Asphalt Institute reported that rubberized asphalt performed at least as well as conventional asphalt cement. California, Arizona and Florida currently have successful rubberized asphalt programs. And in June of this year, USDOT and USEPA reported to Congress that evidence to date concludes that there are no significant performance, emissions or recyclability problems with rubberized asphalt.

Section 1038 addresses multiple problems by using recycled tires for improved asphalt. We currently stockpile 200-300 million used tires a year. Two to three billion tires already litter the nation, causing major solid waste problems for many states. Additionally, full implementation of the rubberized asphalt provision will add as many as 2,000 to 3,000 jobs to the economy. And rubberized asphalt adds to the elasticity and water resistance of asphalt which reduces cracking and aging, thereby directly increasing asphalt's quality and durability.

The prohibition by the House Transportation Appropriations Subcommittee on implementation of Section 1038(d) Use of Asphalt Pavement Containing Recycled Rubber may lead to a delay in implementation of Section 1038. States will remain obligated to follow the statutory deadlines, but FHWA will not be able to oversee state implementation or provide technical assistance. Furthermore, a prohibition on federal oversight and assistance sends the wrong message to those states which hope to avoid the initial minimum content requirement. USDOT must take an active role to ensure that states are on target with their timelines.

Additionally, we are concerned that an amendment may be offered to the Senate Transportation Appropriations bill on the Senate floor. Specifically, we oppose any amendment which allows the use of reclaimed asphalt pavement (RAP) as a substitute material for recycled rubber. The use of RAP materials already exceed the initial minimum content requirements for recycled rubber. Current FHWA state implementation guidelines for use of other recycled materials, that is RAP, result in no net increase in the use of rubberized asphalt. If RAP is allowed as a substitute, states will be able to avoid the initial minimum content requirements for rubberized asphalt. Such an amendment will delay and thwart the intention of ISTEA's Section 1038. STPP supports the use of reclaimed asphalt, but not if it is used as a way to avoid implementation of Section 1038.

ISTEA calls for new directions in transportation policy on many fronts. New directions usually have their growing pains, but this does not mean the statutes should be delayed or ignored. USDOT has an important role to play in shepherding these new changes like the use of rubberized asphalt. We urge you to oppose the House Appropriations provision which deletes funding for Section 1038(d). We further urge you to oppose any amendment which would allow RAP materials, as defined in the FHWA guidelines, as a substitute for rubberized asphalt. Rubberized asphalt is good for the environment, good for our roads and good for the economy.

Thank you for protecting the important new policy directions in ISTEA. We appreciate your cooperation and hope to work closely with you on this important issue.

Sincerely,

HANK DITTMAR,
Executive Director.

STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY,

Trenton, NJ, August 25, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to request your assistance in averting efforts by certain organizations and agencies around the country to undermine and overturn Section 1038(d) of the Intermodal Surface Transportation Efficiency Act (ISTEA). Section 1038(d) requires states to utilize recycled rubber in asphalt pavement that are part of federally funded road paving projects beginning in 1994. The New Jersey Department of Environmental Protection and Energy (DEPE) opposes any efforts that would serve to weaken the intent of this important legislation.

Developing new end-markets for recyclable materials such as scrap tires is essential to the success of recycling in New Jersey and the United States. Section 1038(d) represents a sound strategy that would create a substantial market for the millions of scrap tires discarded annually.

Opponents of Section 1038(d) have raised questions about the emissions released from asphalt pavements containing recycled rubber in terms of worker health and safety and about the recyclability of these pavements. Both of these concerns, however, have proven to be unfounded. A June 18, 1993 report prepared for Congress by the United States Environmental Protection Agency (EPA) indicates that there is no significant difference in emissions between conventional asphalt pavements and those containing recycled rubber. In regard to the recyclability of such pavements, an August 1992 report (see attached) prepared by the New Jersey Department of Transportation (NJDOT) concluded that "from a materials point of view asphalt pavements containing ground tire rubber can be recycled successfully."

New Jersey has made the commitment to utilize this recycled rubber material in road surfaces. We are asking for your continued support to ensure that the nation's commitment, as expressed in ISTEA, remains as strong.

Please feel free to contact me if you wish to discuss further. Thank you for your consideration in this matter.

Sincerely,

JEANNE M. FOX,
Acting Commissioner.

CLARIFYING ESSENTIAL AIR SERVICE SUBSIDY ELIGIBILITY

Mr. COATS. Madam President, I would like to take just a moment to attempt to clarify with the distinguished subcommittee chairman, essential air service subsidy eligibility.

Mr. LAUTENBERG. Madam President, I would be happy to answer the Senator's question.

Mr. COATS. I thank the chairman. It is my hope that when determining eligibility for essential air service subsidies the Department of Transportation will be bound by bill language

and not by report language. In doing so, the Department shall not be bound by the list of cities listed as ineligible for essential air service subsidies in the accompanying report, but will be free to make their own determination.

Mr. LAUTENBERG. Yes, it is the intention of the committee that the Department of Transportation will be bound by bill language only and not bound by the list of cities determined to be ineligible in the accompanying report.

Mr. COATS. I thank the chairman. Furthermore, I want to clarify the ineligibility of communities for essential air service subsidy funds "that are located fewer than seventy highway miles from the nearest large or medium hub airport." This language follows the rulemaking by the Department of Transportation on December 22, 1989, as published in the Federal Register; volume 54, No. 245, 14 CFR part 398. That same rule also states that when determining the distance from an EAS community to an alternative service airport the final rule "measures the distance from the EAS community's city center to the alternative service airport itself."

Specifically, I want to clarify that it is the intention of the committee that determinations made by the Department of Transportation with regards to the reference of "fewer than seventy miles" follow the rulemaking as referenced above.

Mr. LAUTENBERG. The Senator is correct. The intent of the committee was to follow the Department of Transportation rulemaking as cited above—that cities ineligible for essential air service subsidy funds will be fewer than 70 miles to the nearest large or medium hub airport as measured from the EAS communities city center to the alternative airport itself.

Mr. COATS. Madam President, I thank the chairman for his clarification.

Mr. WELLSTONE. Madam President, I would like to engage the distinguished floor manager in a brief colloquy regarding an important project which I believe deserves support. By 1995 public transit systems must comply with strict attainment requirements of the Clean Air Act Amendments of 1990. I know that the committee, in supporting the goals of the Clean Air Act amendments, is interested in reputable technology and research projects which can assist the transit industry in meeting the clean air requirements.

One such project, the variable valved timed engine, is currently being developed in Minnesota and will be ultimately demonstrated by the local transit authority in Rock Island, IL. This authority also serves Davenport, IA. The development of this new engine technology could result in substantial increases in fuel efficiency, saving

many millions of dollars in operating costs. It is anticipated that the fuel efficiency gains achieved will also apply to alternative fuels. This project could have national implications for the public transit industry by helping it to meet the pending Clean Air Act requirements in a cost-effective manner.

I am aware of the severe fiscal constraints under which the Transportation Appropriations Subcommittee worked this year, and I want to commend the distinguished chairman of that subcommittee on his hard work on this important legislation.

Madam President, I know that I speak for my colleagues, Senators SIMON and MOSELEY-BRAUN from Illinois, when I ask that the committee join me in urging the Federal Transit Administration in giving this important project every consideration when it allocates section 6 and/or section 3 discretionary funds.

Mr. LAUTENBERG. I thank my colleague from Minnesota, Senator WELLSTONE, for his acknowledgment of the severe funding constraints under which we were working this year. I agree with the Senator that the subcommittee is very interested in assisting, where appropriate, local public transit systems in the development of worthwhile technology and research that will help them meet the clean air requirements. The variable valved timed engine technology appears to have promise as an engine which potentially utilizes multiple fuels while meeting clean air standards without exorbitant equipment conversion costs. On behalf of the subcommittee, I would, therefore, urge the Administrator of the Federal Transit Administration to give this project every consideration during the allocation of fiscal year 1994 section 6 and/or section 3 discretionary funds.

Mr. WELLSTONE. Madam President, I thank the chairman for his assistance. I am grateful for his continued support of this vital project.

VETERANS MEMORIAL OVERPASS

Mr. DECONCINI. Madam President, I would ask if the manager of the bill, chairman LAUTENBERG, if he would entertain a colloquy concerning the Veterans Memorial Overpass.

Mr. LAUTENBERG. Madam President, I would be very pleased to do so for my good friend and distinguished colleague from Arizona.

Mr. DECONCINI. Madam President, the Veterans Memorial Overpass [VMO] is on Palo Verde Road in Pima County, just west of Davis Monthan Air Force Base [DMAFB]. The VMO suffers from serious structural problems. VMO is overstressed and deteriorated, the superstructure has experienced movement, and its bridge girders have actually experienced delamination. The FHWA has listed the VMO as a priority 2 structure, the highest priority that does not require immediate closure of the overpass.

Madam President, Pima County officials say it will cost approximately \$17 million to reconstruct the VMO. Under existing statutes, State and/or local authorities must cover 20 percent of the \$17 million, or \$3.4 million. The balance, or \$13.6 million, is the Federal share. The State of Arizona and Pima County officials agree the project is of the highest priority and have committed to provide the local share.

Together with Representative ED PASTOR, I succeeded in securing authorization of the VMO as a demonstration project under the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. Later that year with your assistance, Mr. Chairman, I also secured \$2.4 million in planning and design funding appropriations in the Department of Transportation and related agencies appropriations bill for fiscal year 1992. The balance, \$11.2 million, is the remaining total Federal contribution.

Madam President, I would ask my good friend and colleague from New Jersey, Chairman LAUTENBERG, what type of assurance do we have that Federal Highway Administration will complete funding for VMO and other ISTEA-authorized demonstration projects, and fully fund such projects in a timely manner without specifically earmarking of funding for such projects?

Mr. LAUTENBERG. I would say to my good friend from Arizona that I have every reason to expect timely funding of all the ISTEA authorized highway projects, including this important project for Pima County and Davis-Monthan Air Force Base. I would add that this is exactly why the ranking member, Senator D'AMATO and I have steadfastly held the line on the earmarking of funds so that the Federal Highway Administration would have sufficient funds to fund all the highway projects duly authorized under ISTEA.

Mr. DECONCINI. I thank the chairman and once again extend my deepest appreciation to him for all that he has done over the years to assist this Senator and the State of Arizona. As for the pending measure, I further applaud the steadfastness of his conviction and his adroit leadership on this very difficult appropriations bill.

ESSENTIAL AIR SERVICE PROGRAM

Mr. PRESSLER. Mr. President, I wish to comment briefly on an extremely important Federal transportation program for small cities and towns, the Essential Air Service Program [EAS].

As ranking member of the Senate Aviation Subcommittee, I want to commend the Senate appropriators for recognizing the necessity of EAS. I particularly want to commend the chairman and ranking member of the Appropriations Transportation Subcommittee for their leadership in allocating

needed funding for EAS in the fiscal year 1994 Transportation appropriations bill. As they well know, the very future of the EAS Program is at stake. The House of Representatives failed to provide funding for EAS. A number of my Senate colleagues and I urged the Senate appropriators to come through for the EAS, and they did. Their efforts will ensure air service transportation can continue for many of our Nation's more remote communities.

Mr. President, the EAS program is absolutely critical for rural States like South Dakota. Without EAS, I fear most communities in my State would be without any air service. I was pleased that the President's National Airline Commission extended their full support for EAS, as well as the development of additional policies which would encourage service to small communities.

Unfortunately, while industry experts embraced EAS, the Vice President's National Performance Review recommended in its reinventing Government report to drastically cut EAS. The report concluded that "the program is unneeded." The report alleged that EAS was simply the product of a congressional practice to "grant affected groups special privileges" in efforts to pass controversial legislation. The report's conclusions on EAS are very misguided. In my view, assisting communities in maintaining quality air service is hardly a special privilege. Small community air service is a necessity.

I am aware the subcommittee chairman has included language to somewhat reform EAS. This reform is based on the National Performance Review recommendations. While I would prefer that this provision be addressed and considered first by the Aviation Subcommittee and the full Commerce Committee before being considered by the full Senate, I understand and support the subcommittee chairman's efforts to ensure that EAS subsidies are available to the communities in most need of assistance. However, the potential impact of the EAS reforms in this bill are unclear at best. That is why I have urged the chairman of the Aviation Subcommittee to schedule hearings to consider reform initiatives for the EAS Program. It is my hope that Congress will take a thorough review of EAS during this Congress. I consider hearings by the appropriate committee and subcommittee to be a vital medium to any reform agenda.

Again, Mr. President, I commend the appropriators for their efforts to ensure adequate air service transportation to less populated communities. I urge them to uphold the EAS funding provisions during conference consideration.

Mr. LAUTENBERG. Madam President, I will defer to my distinguished colleague, the ranking member, if he

wants to have any debate or discussion about the pending amendment. If not, I would like to continue with a few remarks of my own on a different subject.

Mr. D'AMATO. Madam President, I would like to reserve 5 minutes, as if in morning business, so if the Senator wants to go ahead, that would be fine.

Mr. LAUTENBERG. Madam President, in respect and deference to my colleague, I will take about 5 or 6 minutes and then relinquish the floor.

SOMALIA

Mr. LAUTENBERG. Madam President, we just came from a review of the situation in Somalia. No one in this country can help having their emotions stirred and their hearts torn by the sight of an American soldier's body being dragged about the streets by a bunch of gleeful people, feeling that in that process that they are trashing all of that which the United States stands for.

Madam President, I need not remind anybody in this forum about what it is that we were doing there in the first place. We went to provide a humanitarian service, because we were anguished and pained by the sights of those starving children, malnourished people too weak to walk, people too weak to take care of themselves, people too weak to clean themselves, dying by the dozens every moment.

So Uncle Sam stuck out his chest and said: "We are going to do the right thing. We are going to go over there and make sure those people have something to eat, so they can live and take care of their personal needs and their families." And it was, in my view, mission accomplished.

The food was delivered, medicine was delivered, our troops responded effectively, bravely—as they always do. "Give us the assignment."

I heard a young man today on television. I believe his rank was sergeant. He said he was not anxious to go. His unit had been ordered shipped out. He did not understand what the mission was, but that he was more than willing to do the service that he had committed for. And he, too, had to have seen the pictures of the young American's body being dragged through the streets. So he had to be thinking about himself, how he might feel as a hostage in this group of uncivilized people, who do not, in many cases, have the same understanding of what this is about that we do.

We want to help. We were there with a mission to be responsive to our role as, frankly, the moral superpower of the world. We are the only Nation that takes on that responsibility willingly. Maybe in this case a little too willingly.

The mission has been extended far beyond that which was originally

carved out and understood, at least by this Senator, and I think many others as well. We went there to be of help, not to sacrifice our youngsters. We went there to try to feed and nourish people, not to trade the lives of our young people for it.

This evokes all kinds of recollections about what Vietnam looked like. There we had a different mission. It was an ideological mission. This one, perhaps, had ideology as its spur initially. But it was very clear that we, as a people, could not stand the pain of watching the pictures day after day, television, newspapers, magazines, of children who were nothing but bones, with flies all over their faces, diseased and hungry, picking up scraps out of the dirt. And we wanted to be of help. That is Uncle Sam at his best.

What did we wind up doing? Pursuing a clan leader? Getting involved in what amounts to some kind of a civil insurrection with people who are on the side of this renegade, this rogue leader? That is not America's place. Because if we do it there, in my view we have an obligation to do it in lots of places.

We are walking on eggs trying to avoid being dragged into the Yugoslavian-Bosnian situation. Frankly, there I think we ought to be sending weapons. I think we ought to give those people a chance to fight back. I think back to the years of the Holocaust. When I was a young soldier during World War II in Europe and saw what was taking place—the difference between survival and death may have been a sidearm. It may have been a pistol. It may have been some kind of a weapon. We did not even help out by bombing the tracks to the extermination centers. It could have been an easy mission. But we learned, I hope, from that period, and now in my view ought to be doing something to help the Bosnians survive.

But in Somalia we are supposedly in charge. Obviously our friends at the United Nations and other places around the world do not agree with us.

But we ought to take a look in the mirror. We ought to be able to look into the faces of the families whose kids have died or who may die there. I had a discussion with my good friend from Michigan a little bit earlier. We both agreed the ultimate test of whether you think we ought to fight or not is whether you can look your own son or daughter in the face, and as you look into their eyes make a decision about whether or not you are willing to have your kid commit to risking his or her life or limb in that kind of situation. I for one tell you right now, I have a 25-year-old boy, I would not send him.

I was 18 when I enlisted in the Army. It was a different time and a different war. But I do use that as a test, and I voted that way once before. I said to my son, "You know, if I vote to commit us to war, I want you to go to serve your country."

I could not and would not ask him to do that—to chase Aided and risk his life? Oh, no. Therefore I do not want to send other people's sons or daughters and put them at risk. We did what we had to. The rest has to be up to them, whoever the them is. It is not up to us.

So we just had a briefing. We are not revealing any secrets. But it was not a very satisfying experience when all of us, or most of us, are searching for where the mission says, "Put your kids on the line."

I do not see it. I hope in very short order we will have some understanding as to what we are doing, or else come home. That is the message that ought to go out. I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from New York.

Mr. D'AMATO. Madam President, I ask I may be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA

Mr. D'AMATO. Madam President, I, along with most Americans, supported the humanitarian efforts in Somalia. We all knew bringing food to starving people was the right thing to do. And it still is.

But our role there has been changed significantly, and it has changed for the worse. We have allowed U.N. commanders to involve our troops in military activities far different from those outlined in the original mission. Neither the American people nor the Congress share a desire to get further involved in increasingly hostile military operations in Somalia with no clear mission and no clear end in sight.

I have some very real problems when we have U.N. commanders ordering our soldiers into hostile situations. I have to ask why is it that it took hours, 7 hours, to come to the rescue of 90 Rangers who were trapped on an ill-defined mission? Did they think seizing a former taxicab driver who is Aided's military adviser or foreign affairs adviser was going to end this? Is that the level to which we have fallen?

We have foreigners now commanding U.N. troops—our soldiers. What is the mission? What is the purpose? What is the goal? Imagine, being pinned down for 7 hours while a rescue party is a half a mile away. It took them 7 hours to get organized, to get in there and suppress the firefight that was going on, and to save those young U.S. soldiers who were trapped. The loss of lives, the humiliation, the degradation they have suffered: For what reason? Food? Humanitarian effort? Relief? Yes. This kind of nonsense? No.

I do not want a bunch of dummies at the United Nations telling our young soldiers where they should be going, what their mission should be. And, if that is tough language—too bad. I do

not think the American people want a bunch of dummies at the United Nations, assigning our troops to God knows what kind of mission. It is wrong. That is not why we went there.

Some people may say let us go in and wipe them out. Who are we going to wipe out? Thousands and thousands of Somalis? Are we going to kill innocent women and children? How do you think that is going to look? What is our goal? Reestablish a government? What government? Are we going to bring the various clans together? Who, us? We cannot get ourselves together but we are going to go over there and get them all together. Wonderful—what a goal.

Secretary Christopher, wake up. It does not look like you really understand what is happening. We do not have sufficient forces there. We simply do not. And we certainly do not have command and control over our own troops. Let us get that established.

Let us tell the American people precisely what is our goal. There should not be one more American life placed in harm's way until we know exactly what the goals are and the Congress has an opportunity to either approve or disapprove them.

This is not a partisan issue. This is an issue of doing what is right, and right now we are not doing what is right.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

AN AMERICAN PLAN

Mr. DOLE. Madam President, I listened with great interest to the statements by both the Senator from New Jersey and the Senator from New York. I certainly share one view that they have expressed, and that is about our interest as opposed to the United Nations interest.

When we commit young men and women to combat, which is essentially what is happening in Somalia, we ought to make the decision, it ought to be under our control and it ought to be very clearly under our control and it ought to be in our interest.

On the other hand, since we told the President of the United States, in a resolution we passed, that he should report to us by October 15, which is a week from Friday, and since the resolution also indicated that Congress had to approve any action or continued action or continued presence by November 15, we should abide by that resolution.

It seems to me the President is in a very difficult position here. We will have a full debate. We should have a full debate. One message that is clear in the phone calls I am receiving is, of course, to protect the American forces that are there and to define a mission. This is not any longer humanitarian

aid. The mission changed sometime in June, we were told today at a briefing. It went from humanitarian aid to nation-building. We never committed Americans to nation-building in Somalia or any other country that I am aware of.

I think it is clear to say from the meeting we had earlier with—I do not know how many Members were there—45, 50 Senators and half the House of Representatives, that the administration is going to be under great pressure to bring the actions in Somalia to a close. It is up to the administration to give us a plan—a plan—not a U.N. plan, an American plan, that will stress American interests because I do think if we just say, "OK, we are out of there," and everybody packs up and goes home, we place American hostages in danger, of course. We also, I think, would jeopardize anything else we might be involved in from this time for the next 5 or 10 years.

It is a big, big decision. It seems to me that if the President will tell us precisely what the plan is, how do we get out, when do we get out, how do we protect American forces, then I think the Congress, in a bipartisan way, will support that effort.

I will be happy to yield to the Senator from Maine.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

SOMALIA

Mr. COHEN. Madam President, I would like to associate myself with both the remarks by the Senator from New York and also the minority leader.

What was somewhat distressing to learn during the briefing that occurred this afternoon was that apparently very little consideration has been given to the kind of contingencies that can and do arise in these types of operations.

The notion that our soldiers would be coming under attack, to be pinned down under hostile gunfire was clearly foreseeable, if not foreseen, by our military leaders and planners. It is somewhat frustrating to learn that the plans, if they exist, are still in the debating stage.

What was more distressing is that the administration was coming to a large group of men and women from both Houses of the Congress to gain some notion of what our thoughts are, what our recommendation might be. I admit, this is something of a catch-22 for the administration. On the one hand, if they do not come to the Congress, they are criticized, and if they do come, they are criticized.

I think what we were looking for was not to have the administration officials—the Secretary of Defense and the Secretary of State—come to us and say, "What do you think? What do you

think we should do?" But rather it was, I think, imperative that they come to us with a range of options clearly spelled out from 1 to 10, if that is how many options there are, seek our judgment on that range of options, and see if there was a consensus on what the administration might seek to implement.

Perhaps they will do that. Perhaps they will go back to the Pentagon and the State Department and put together a list and a range of options, No. 1, to send a signal to Mr. Aideed and his followers that they best not harm any hostage or hostages that they currently might have or else they run the risk of great retribution. And the nature of that retribution should be spelled out in very clear terms. It is significant that the administration come back to Congress with a range of options that they would like to pursue and consult with the leadership of the Senate, the leadership of the House and then, if necessary, with the full House and Senate.

There was something else that came up during the course of the briefing that I want to discuss in general terms. There is somehow the hint that there may be just a touch of partisanship involved in the statements emanating from the Senate and from the House; that namely: "It was President Bush who got us into this mess and now we are dumping it in the lap of President Clinton." That would be an unfortunate thing to do to this new President.

First, let me say that all of us are concerned about the fate of the men and women who have been sent to that region. No one I am aware of—no one—has any interest in trying to take advantage of this situation to embarrass President Clinton. Many of us are trying our level best to support him, not only on international issues but domestic issues. So the notion or the hint or the implication that there might be some people who wish to exploit this great crisis for political advantage, I think, does a great disservice to the Members of this Senate.

I think that there will be a bipartisan resolution. We know, for example, the chairman of the Senate Appropriations Committee has very strong feelings about this, about how long we should be there, and how quickly we should remove our forces. The Senator from New York has expressed his own sense of outrage about the current situation. There are people on both sides of the aisle who have similar opinions and share similar discontents.

It brings into question exactly how we are going to work with the United Nations in the future. On the one hand, the United States has a great deal at stake in terms of credibility. Once we agree to commit forces to a region for peacekeeping—and here again we get caught up in words—we move from peacekeeping to peacemaking, and that

is very close to warmaking because we are putting our men and women in the face of hostile fire where they can and have been killed and wounded seriously.

Before we ever do that—and this will be a lesson to all of us again—before any President commits U.S. forces, be it as part of a U.N.-peacekeeping force or going it alone, the President of the United States must come to the U.S. Congress.

I do not want to begin a debate at this hour of the evening over the War Powers Act, whether it is constitutional or not. Every President in office has dismissed the War Powers Act as being unconstitutional and have vowed to ignore it. I say they do so at their peril because whether or not it is ever ruled to be constitutional or not, no President can face the prospect of putting men and women in uniform into a combat situation where they are likely to suffer either death or serious injury without having the overwhelming weight of public opinion, popular support, and congressional support behind that President. Anyone who would run the risk of putting our people in jeopardy and not have our support clearly stated by a vote on the House and Senate floors, I think, will find that once the bullets start to fly and the bombs start to explode and people start dying, that the men and women who serve in either body of Congress will be in full flight in the other direction, not supporting the President but running precisely the opposite way.

That is why it is important that the President have us on record in advance.

Now, it has been suggested that we have voted in the past to support this particular mission. I would like to clarify for the RECORD this Senator's perspective as to what we did.

The fact is President Bush agreed to commit forces on a peacekeeping basis to that region. I think he did that before he had congressional consent. Forces were sent there, and then they came to Congress and we passed a resolution in support of providing humanitarian relief for the starving Somalian people. And most of us would go on record today as saying that was and remains a noble and worthwhile goal.

What we did not go on record in favor of is expanding that mission to either help build that nation's infrastructure, political infrastructure, call it nation building, or putting in place the kind of political institutions that allow a people to govern themselves. That is something quite different than what we voted on.

I think as the mission has changed, so has the support in both bodies of Congress.

Madam President, I think we are looking forward to a debate as early as tomorrow, possibly going on until Thursday, and it will be a debate which will be spirited. My own view is that

whenever you commit forces, you should do so with overwhelming numbers. You should engage strong and big, and if you cannot engage big and strong, do not engage at all. That ought to be the message to any nation or group of people who would seek to oppose the effort to provide humanitarian assistance if we decide to go in.

We see a situation now where the mission has been expanded but the forces have been reduced, and our people are put at a great disadvantage. We are left with the options as spelled out by my colleague from New York. We can go in with massive force and indeed crush Mr. Aideed. To do so is going to require killing lots of people. There will be massive bloodshed in that effort, most of it on the other side, but I suspect that even American soldiers will suffer mortal wounds as well.

The question is are we prepared to do that. Are the American people prepared to go on record as saying yes, we are going to go in and we are going to suppress that opposition. We are going to put enough force in there to make sure that no one ever drags an American soldier or serviceman through the streets, be it of Mogadishu or any other place.

So we have a lot at stake in terms of reputation. We have a lot at stake in terms of our credibility for this mission and for future missions. What we have to resolve is: First, what is our goal. That has not been clearly defined by this administration. Second, it has to be clearly spelled out as to whether we have sufficient intelligence that would warrant us concluding that if we remove Mr. Aideed and a number of his top officials, that will be sufficient to suppress the opposition, to suppress the fighting, to allow the continuation of the delivery of humanitarian goods and services.

Then we have to determine whether or not we have the kind of forces under our command as opposed to U.N. command. And I must say that this is something we should debate at length tomorrow and the next day. Exactly who is in charge. I have heard a number of reports that components of this U.N. peacekeeping or peacemaking force have decided unilaterally after being given a command to go into a certain area to refuse to do so, have simply said we have a better idea. We do not like this particular directive. Therefore, we are disobeying it. Now, if that is the kind of U.N. peacekeeping force that our soldiers in combat are partaking in then we have a bigger problem than any of us have been aware of to date.

Madam President, I hope that a number of questions that were raised today during the course of the briefing with the Secretary of Defense and Secretary of State were helpful to them. I think the Secretaries detected the level of anger that exists in the Congress, and

we are of course reflecting the anger, dissent and contention that exists throughout the country right now.

We also have to take into account that there are long-term and larger implications for whatever action we decide to take. If we were to decide tomorrow to pass a resolution cutting off all assistance as of a date sooner than November 15, that certainly has consequences for us long term. If we fail to take action and fail to develop the kinds of strategies that we believe are necessary, that, too, will have long-term implications for us.

I hope, Madam President, that the debate which will begin tomorrow and carry on into Thursday will be instructive to the administration, to the American people, and most certainly to those forces now under Mr. Aideed's command and control who will hear a message that they cannot be allowed to continue to engage in the activities of dragging Americans through the streets of Mogadishu without punitive measures being taken against them—serious, substantial measures.

I thank my colleague from New York for raising the issue. I think that the administration has a heavy burden to come before us right now and explain exactly what its goals are, how it intends to carry them out, what forces we intend to deploy to carry out those goals and whether or not we are prepared to inflict serious casualties upon the people in Mogadishu in order to achieve them.

These are just a few of the questions that have to be asked and hopefully answered in the next several days.

I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

VIOLATIONS OF THE C-17 CONTRACT

Mr. GRASSLEY. Madam President, I wish to speak for just 3 or 4 minutes, leapfrog ahead one day and one bill, to an amendment that I am going to bring up on the defense appropriations bill when that bill is up. I might say since Senator D'AMATO is in this Chamber, he is a cosponsor of my amendment.

Our amendment, if adopted, would be in a sense a law to enforce a law because a law that should be followed by the Department of Defense is not being followed, and that is according to charges that the inspector general has made about section 2307 being violated on the C-17 contracts.

It seems to me, Madam President, we need to remind our bureaucracy when law is not being followed, particularly if the inspector general of the department says it is not being followed, and that is what my amendment deals with, to reenergize that law.

Section 2307 specifies that progress payments must be equal in value to the work performed and the work performed must meet the quality standards established in that contract. This

law was supposed to bring some measure of discipline to defense contracting.

A careful study of the inspector general's report on the C-17 issued January 14 of this year convinced me and others of the need to enforce this law more aggressively. Law must be followed. The inspector general's report is all about illegal or improper progress payments to the C-17 contractor, McDonnell Douglas. The very same problems persist yet today in addition to what was reported in January this year.

C-17 aircraft delivered to date do not meet important contract specifications like aircraft range and cargo carrying capacity, nor has the C-17 demonstrated the ability to carry cargo into short 3,000-foot runways as required by contract.

And how does the Air Force plan to solve the problem? Well, the answer to that is the usual way: Critical specifications will be lowered again even though McDonnell Douglas has been paid top dollar to meet the more stringent specifications. Under the law, C-17 aircraft are supposed to meet contract specifications.

I know what you are saying. Common sense ought to dictate that that be the case. I say so as well. But common sense is not ruling in this instance. The law is not being followed. The specifications are not supposed to meet the airplane, but that is what is going on. And of course this makes a mockery of defense contracting.

This is in a sense a rubber baseline. The specifications are constantly adjusted to match up with product performance. Our amendment would draw a line in the sand. The product must meet contract specifications, whatever they be. If the fiscal year 1994 C-17 aircraft are on schedule, within cost, and meet contract specifications, then the money would flow as planned under our amendment. If the fiscal year 1994 C-17 aircraft were behind schedule or failed to meet quality standards as set in this contract, then there would be a problem, as there should be.

Payments would be withheld or reduced according to the seriousness of the deficiency.

The purpose of the amendment is very simple. I would like to send a clear signal that the Air Force simply obey the law in making progress payments on C-17 contracts.

That is it, Madam President; just simply that. Why do I come to the floor today? Because I want to alert my colleagues that this amendment is being proposed, and to ask my colleagues to study our proposals before reaching a final decision.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

A NEW APPROACH IS REQUIRED IN SOMALIA

Mr. PELL. Madam Speaker, I am deeply saddened by the heavy losses of life that our Armed Forces suffered in Somalia on Sunday. I am also concerned about the circumstances and military tactics that led to this tragedy. I have supported the U.N. operation in Somalia, and I support United States participation in it, particularly since we provide only about one-sixth of the forces. I do not, however, believe it is wise for U.S. forces to be involved in offensive operations against Aided's forces. That is what led to the tragedy on Sunday.

Having said that, I would like to point out that our options in Somalia are not limited to pulling out or continuing to be pummeled by Aided's forces. There is a third option, and I believe we should try it.

This alternative involves concentrating on the consolidation and expansion of the successes already achieved everywhere in Somalia except for the small area of south Mogadishu controlled by Aided. Throughout the rest of Somalia, the United Nations is making great strides in putting together local governments and in recruiting and training police forces. We should concentrate on those activities instead of engaging in high-risk attacks on Aided and his forces. It should be enough that Aided is isolated in south Mogadishu. Moreover, Aided would be largely irrelevant once political authority would be restored and strengthened in the rest of the country.

In the meantime, U.S. forces should be in a defensive posture against any attempt by Aided to break out of south Mogadishu, but we should not be seeking him out. The risks should be run by Aided, not by us. It is important that the United Nations and the United States not depart precipitously from Somalia. For if we do not stay long enough to ensure that some form of Somali Government authority is restored, we will almost surely witness a rebirth of the terrorism and mass starvation that brought us to Somalia in the first place.

Madam Speaker, in the Defense Department authorization bill there is a provision requiring the administration to provide a comprehensive report to the Congress by October 15 on United States participation in the United Nations peacekeeping operation in Somalia. In this connection, I have invited Secretary of State Christopher to testify before the Foreign Relations Committee on October 19. It would be wrong, in my view, to preempt Secretary Christopher's testimony by enacting legislation this week to cut off funding for United States forces in Somalia.

I am as upset as any Member of this body about the casualties we have suffered in Somalia. We must change how

we operate in Somalia; otherwise our forces will needlessly suffer more casualties. But let us give the administration a chance to change course rather than forcing the administration to cut and run. Let us work together with the administration to craft a viable alternative to the present search and destroy policy. Above all, let us not abandon a noble humanitarian cause which caused us to come there in the first place.

I yield the floor.

MORNING BUSINESS

Mr. LAUTENBERG. Madam President, I ask unanimous consent that there be a period for morning business for up to 6 minutes, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA

Mr. FEINGOLD. Madam President, yesterday, as I read about the latest killings of the American soldiers in Somalia, I was enraged and sickened. When I heard about the death of 25-year-old Dan Busch, an Army sergeant from Baraboo, WI, and the wounding of John Seipel, a 22-year-old soldier from Mondovi, WI, I felt what others in the past month must have experienced: that the hostilities in Somalia have now struck too close to home.

Over the past several months we have watched the United States mission in Somalia evolve from providing emergency humanitarian relief, to stabilizing the situation, to trying to capture a warlord, and now, to institution- and nation-building. What we thought was originally a noble mission to deliver food now appears to be a misguided attempt to deliver democracy. Whatever that means, or whatever that is, it has proven questionable at best whether we can fulfill a mission of democratization and nation-building in Somalia. I have seen no evidence that we are even welcome to try. Furthermore, I would even question whether it is appropriate for military troops—rather than civilian personnel—to carry out such goals.

In any case, Madam President, the situation has deteriorated. Our troops are suffering increasing violence, and there are no clear objectives for U.S. forces.

I know this issue has been discussed by this body, and that we passed a resolution in the DOD authorization bill earlier this month, urging the administration to submit a statement of mission by October 15. While I am pleased that Congress has taken measures to gain control of this situation—of a major U.S. troop deployment—it has been my position that the troops should not have been there past 90 days after President Bush first sent Amer-

ican soldiers there in December without a congressional resolution of approval. The issue of the War Powers Act, Mr. President, is a quintessential post-cold-war issue, and it will become more and more important as calls for U.S. intervention will increase. In February, I declined to cosponsor the Senate resolution which was introduced and passed in 1 day because I thought the resolution was too vague in terms of the United States mission and duration of our commitment in Somalia. It was also because of the War Powers Act, because of a lack of congressional approval for this specific mission, that I, with six of my colleagues, voted against that resolution in the DOD bill. It turns out, I believe, that the original resolution, which mandated a withdrawal of U.S. troops within 30 days unless continuation was authorized by a specific act of Congress, was probably the correct position.

I join several of my colleagues who have spoken today to say that we should leave Somalia now; we should not increase the American troop level or increase our involvement. Our continued presence risks not only more American lives but also the possibility that the worldwide broadcasting of the mistreatment of U.S. prisoners will so inflame our national pride that it will be increasingly difficult to leave.

We should get out now, Madam President, before we are in so deeply that we cannot get out at all.

GRANT AWARDED TO NCCNHR

Mr. PRYOR. Madam President, as chairman of the Senate Special Committee on Aging, I am pleased to announce that the Administration on Aging has awarded a 4-year grant to the National Citizens' Coalition for Nursing Home Reform for the operation of the National Long-Term Care Ombudsman Resource Center. The center, which was established under the 1992 amendments to the Older Americans Act [OAA], establishes a permanent support system for State nursing home ombudsmen programs, enabling them to develop effective advocacy for persons in long-term care facilities. Since 1975, these programs, supported by local counterparts with hundreds of trained volunteers, have labored to build high quality support systems for individual residents and their families.

The National Citizens' Coalition for Nursing Home Reform [NCCNHR], a Washington DC-based consumer organization made up of over 300 member groups and nearly 1,000 individual members, has operated for almost 20 years as the premier source of information on issues—legal, medical, social, and ethical—affecting the quality of care and life of nursing home residents. NCCNHR's work to protect the rights of residents has received repeated recognition from State and local ombudsman programs, regulators, the aging

network, family and friends of nursing home residents, as well as from residents themselves. It was through NCCNHR's leadership that an effective coalition of national organizations was developed. Called the Campaign for Quality Care, it successfully promoted the passage of the 1987 nursing home reform law. Since that time, NCCNHR has continued its leadership role to ensure that the law's mandates for quality care will be implemented and the standards enforced.

The center will provide technical assistance, consultation, training and information dissemination to meet the needs of State and local ombudsmen in fulfilling the new program requirements enacted in the 1992 OAA amendments. The National Association of State Units on Aging will assist NCCNHR in meeting the Center's objectives, which were developed in conjunction with the National Association of State Long Term Care Ombudsman Programs. The Senate Special Committee on Aging has supported the long term care ombudsman program since its inception, and has worked closely with the staff at NCCNHR on every significant piece of nursing home legislation throughout that time.

This official acknowledgement of the role that NCCNHR has played and continues to play in the development of strong long term care ombudsman programs across the country underscores the renewed commitment of this administration to guarantee an effective voice for health care consumers. The ombudsman program is the operating prototype which is increasingly used as the model for protecting the rights of all health care consumers.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician, or an editor or a commentator declare that Reagan ran up the Federal debt, or that Bush ran it up, bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending, which Congress has failed miserably to do for half a century.

The fiscal irresponsibility of Congress has created a Federal debt which stood at \$4,407,769,734,324.50 as of the close of business on Monday, October 4. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is \$17,160.27.

RESTRUCTURING CERTAIN RURAL ELECTRIC ADMINISTRATION LOAN PROGRAMS

Mr. WOFFORD. Madam President, I wish to engage in a colloquy with my distinguished colleague, Senator LEAHY, chairman of the Senate Agriculture Committee.

As I understand H.R. 3123, as amended, it authorizes the Administrator, at his discretion, to make insured electric loans to an applicant if the Administrator determines the applicant has experienced a severe hardship. These severe hardship loans will be made at an interest rate of 5 percent per annum. Appropriations for the cost of the loans are authorized to support \$125,000,000 for these severe hardship loans that meet certain criteria, including low per capita and household income and very high electric rates.

Mr. LEAHY. The Senator is correct. Mr. WOFFORD. Potential applicants in States like Pennsylvania face a severe hardship because they serve low income areas and have rates more than 20 percent higher than a neighboring electric utility. This kind of rate disparity with a contiguous electric utility can occur because a rural electric cooperative serving a rural, economically depressed area, borders another utility whose fringes are rural, but whose overall territory is suburban and economically healthy. However, some rural electric cooperatives facing severe hardship, like many of those in Pennsylvania, cannot pass the rate disparity test to qualify for a normal hardship loan because the rate charged by urban electric utilities drive up the State average. This means that these rural electric cooperatives often do not have rates more than 20 percent higher than the State average, even though their rates are as much as 85 percent higher than a neighboring electric utility.

My question is this: Does the Senator agree that rural electric cooperatives facing this kind of severe hardship should be considered for severe hardship loans under this Act?

Mr. LEAHY. Yes. Rural electric cooperatives experiencing the kind of difficulty the Senator described should be considered for severe hardship loans under this act.

Mr. WOFFORD. I thank my distinguished colleague from Vermont for his leadership in reforming the Rural Electric Administration and I yield the floor.

DEATH OF EDWARD FARLEY BURKE

Mr. PELL. Madam President, it is with deep sadness and a great sense of sorrow that I rise today in memory of Edward Farley Burke, a highly respected citizen of Rhode Island, who passed away last Friday, one day before what would have been his 65th birthday.

I have known, worked closely with, and admired Ed throughout my political career. Ed was an extremely able attorney who possessed superb analytical skills and that unique ability to grasp and solve complex issues. He was also a committed public servant who served our State and Nation nobly.

Born and raised in Providence, Ed received both his undergraduate and law degrees from Harvard. He worked in a series of public service jobs where he became known for his considerable abilities. He was also a retired colonel from the U.S. Air Force, where he served as a legal officer.

Among his many interests and accomplishments, Ed and I shared a similar vision of establishing high-speed ground transportation along the Northeast corridor. In fact, he served as vice chairman of the Northeast Corridor Initiative, a private, nonprofit organization dedicated to the electrification of the corridor from Washington, DC to Portland, ME.

Having served 12 years as chairman of the Rhode Island Public Utilities Commission, Ed knew firsthand of the energy concerns of our region. That problem was brought closer to home with the oil embargo of the early 1970's. Ed, always a visionary, successfully negotiated with Canada to bring Quebec hydroelectric power to the Northeast, thus reducing our region's dependency on imported oil.

Madam President, all told, Ed was a superb individual with too numerous accomplishments and affiliations for me to recite. Above all, he was a true friend. It is worth noting that Ed was also a staunch Democrat, beginning with his days at Harvard where he was vice president of Students for Truman Club. He later worked in the presidential campaigns of Adlai Stevenson, Hubert Humphrey, and more recently TOM HARKIN and President Clinton.

Madam President, we in Rhode Island will certainly miss Ed for his intelligence and gentle demeanor. We will also sorely miss someone of his caliber and integrity. I wish to pass along my sincere condolences to his wife, Phyllis, their children, and their 6 grandchildren.

Madam President, I ask unanimous consent that an obituary which appeared in the Providence Journal on Saturday appear at the conclusion of my remarks.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

EDWARD F. BURKE DIES; EX-CHAIRMAN OF PUC, LAWYER, ENERGY ACTIVIST
(By Thomas J. Morgan)

PROVIDENCE.—Edward Farley Burke, a longtime Democratic activist and former chairman of the state Public Utilities Commission, died at home yesterday, one day before what would have been his 65th birthday.

He was the husband of Phyllis (Moran) Burke, and lived on Lyndhurst Avenue.

Mr. Burke had been ailing for some time after a kidney transplant a year ago, according to former Gov. J. Joseph Garrahy, a business associate in Mr. Burke's Canadian Connection Ltd. of Providence, an energy and trade consulting concern.

"I'd known Ed maybe 30, 35 years," said Garrahy, who appointed him as chairman of the PUC in 1977, "back to when he was an assistant to (former Mayor Walter) Reynolds. He had a long and distinguished career."

He was born in Providence, the son of the late Dr. Edward F. and Agnes (Farley) Burke. He was a 1946 graduate of Classical High School and a 1950 graduate of Harvard. He obtained a law degree from Harvard Law School in 1953.

He was a lifelong fan and supporter of the Atlanta Braves from the days when the team played in Boston. In a 1988 interview he recalled attending games at Braves Field Boston in 1935 at the age of 7. "Everybody else on the block was rooting for the Red Sox," he said, "I showed in later life the same tendency—Hubert Humphrey, etc. Lost causes are second cousins, I guess. The Braves were lovable, they were crazy."

When the attendance at Braves games began fading, Mr. Burke, then a student at Harvard Law School, became president of a Save the Braves Committee. When he heard the news in 1953 that the Braves were moving to Milwaukee, he said, "I don't think I wept at that point, but I sure as hell did later."

Mr. Burke was a former chief legal counsel to the state Department of Corrections, assistant city solicitor of Providence from 1959 to 1961, administrative assistant to Mayor Reynolds from 1961 to 1965, special counsel to the attorney general 1965-67, chief legal counsel to the Department of Social Welfare in 1969-70, and chief legal counsel to the Department of Mental Health, Retardation and Hospitals in 1970-72.

He was a retired colonel in the Air Force Reserve, where he served as a legal officer.

Mr. Burke became involved early in Democratic politics. In 1948, he became vice president of the Harvard Students for Truman Club, and served on the executive committee of the Harvard Liberal Union. He was active in Adlai Stevenson's presidential campaigns in 1952 and 1956, and managed Hubert Humphrey's campaigns in Rhode Island in 1968 and 1972. He made an unsuccessful primary run for mayor in 1964.

Mr. Burke was co-chairman in 1976 of the Rhode Island Chapter of Lawyers for Carter. But he divorced himself from election campaigns from the time he became PUC chairman in 1977, until he left the post in 1988.

In 1992, he became a member of the National Executive Committee of Americans for Harkin, and when Tom Harkin withdrew from the presidential campaign, he supported Bill Clinton.

Charged by Garrahy with developing new energy sources to wean Rhode Island away from its dependence on OPEC oil after the 1974 Arab oil embargo, Mr. Burke negotiated contracts to obtain Canadian gas, hydroelectric power and electricity from other sources.

He was a founding member in 1979 of the Northeast International Committee on Energy, and in 1981 of the Governors Power Planning Committee of New England. He was the proxy for Garrahy and Gov. Edward D. DiPrete when they were unable to attend sessions of the Governors Power Planning Committee or of the Eastern Canadian Premiers/New England Governors Committee.

As a result of his work, New England now obtains 10 percent of its energy needs from

hydroelectric, nuclear and coal-generating sources.

Mr. Burke was a member and a past president of the National Association of Regulatory Utilities Commissioners.

When he left office, he formed Canadian Connection, of which Garrahy is a former president. For the past two years he was vice chairman of the nonprofit Northeast Corridor Initiative, which supports electrification and other improvements in the Northeast Rail Corridor from Washington to Portland, Maine.

Besides his wife he leaves two sons, Edward Francis Burke of Wayland, Mass., and David William Burke of Providence; two daughters, Elizabeth Burke Bryant of East Greenwich and Melissa A. Burke, a law school student in San Francisco, and six grandchildren.

The funeral will be held Tuesday at 9 a.m. from the J.F. Skeffington Chapel, 925 Chalkstone Ave., with a concelebrated Mass of Christian Burial at St. Pius Church, Eaton Street, at 10:30. Burial will be in St. Ann Cemetery, Cranston.

DEATH OF HAROLD GERKE

Mr. BAUCUS. Madam President, just over 1 month ago, the State of Montana lost one of its leading citizens, Harold Gerke of Billings. With Harold's passing, I also lost a friend and mentor.

Every community needs someone like Harold Gerke. He was a good man. But, beyond that, Harold was a leader, a doer, somebody who knew the value of public service.

Rising to the rank of speaker, Harold served with distinction for 16 years in the Montana House of Representatives. As a young legislator from Missoula, Harold was my speaker. He was always the source of wise counsel and encouragement. Thanks to Harold's leadership, I believe Montana is a better place today.

Harold was also a bit of a pioneer in Montana politics. As the Billings Gazette noted: "Early in his career, Gerke's political success was a rarity: A Democrat elected in Yellowstone County." I believe Harold helped blaze the way to two-party politics in Yellowstone County.

Yet, despite Harold's accomplishments at the State Capitol in Helena, his heart was always in Billings. He served three terms as a city alderman and was eventually appointed mayor.

Outside of public office, over the years, Harold served as director of the Billings Housing Authority, as chairman of the Montana Horse Racing Board, and as a member of the local mental health center board. In short, if there was an important and good cause in the city of Billings, you could bet that Harold would be there lending his support.

Harold leaves behind his wife of 62 years, Vera, along with a son; four grandchildren; and two great grandchildren. They should all be proud of his legacy of service to the city of Billings and the State of Montana.

I yield the floor.

CONTINUED SUPPORT FOR DEMOCRATIC REFORM IN RUSSIA

Mr. PELL. Madam President, events in Moscow during the last several days have been among the most dramatic since Russia embarked on its journey toward democracy and economic reform several years ago.

It is indeed regrettable that the proreformers' latest victory was marked by both violence and bloodshed. However, I do note that the military, under President Yeltsin's authority, seems to have used the least amount of force necessary to turn back the antidemocracy forces and to restore order in Moscow.

Two weeks ago, when President Yeltsin disbanded the Parliament and announced that new parliamentary elections would be held in December, I said it was important to remember that it is not Yeltsin the individual—no matter how much we may like and respect him—that we are endorsing. Rather, we are embracing what he is trying to achieve, namely the building of democratic and free market institutions.

The referendum that was held in Russia last spring gave President Yeltsin a clear mandate to hold new parliamentary elections. The Parliament, a vestige of Russia's Soviet past, obstructed this democratic process from the start. In recent days, some members of that now defunct body took extreme and provocative measures to prevent Russians from choosing their future through the ballot box.

President Yeltsin's actions of the last few days appear designed to ensure that the Russian people will have that right. I am pleased to learn that the December parliamentary elections are on track; and electoral law is being formulated and President Yeltsin has said that the elections would be free, fair, and open to anyone wishing to run. Presidential elections are scheduled for June.

I am concerned to learn, however, that President Yeltsin has issued a decree banning the activities of certain organizations, and suspending the publication of eight newspapers. Just as President Yeltsin has recognized that the Russian people deserve the chance to choose their future free of intimidation, I believe that he must recognize that they deserve the opportunity to be exposed to a wide range of views, particularly during the election process.

I am confident that the Clinton administration will continue to help President Yeltsin to focus on the end goal: Free and fair elections. I commend the administration for its cool-headed response to the crisis in Moscow. Not only did it strike the right chord in demonstrating U.S. support for the democratic process, but it continues to do a marvelous job of consulting with the Congress on this issue. State Department officials took care

to inform and consult with Members throughout the crisis, and later today, Secretary Christopher is scheduled to brief the Congress on the full course of events in Moscow. I look forward to hearing from the Secretary on this matter.

We must continue to show the reformers in Russia that we are with them. In the coming days and weeks, I believe we should place a high priority on helping Russia with its election process. While we must not take sides or get involved in partisan politics, there is much that we can do to encourage and support Russia to create the appropriate conditions for a free, fair, and open election process.

We have made it clear that we support President Yeltsin's recent actions because his objective is to bring democracy to Russia. The Congress recently appropriated \$2.5 billion in assistance to promote economic and political reform in Russia and the other New Independent States. We would do well to target some of those funds to promote a free and fair election process. Our goal is to help consolidate democracy in Russia, and I believe we should back up our words with actions.

MULTIPLE-USE PRACTICES ON FEDERAL LANDS ARE VITAL TO WESTERN ECONOMIES

Mr. PRESSLER. Madam President, during the August recess, I held a Senate Small Business Committee field hearing in Rapid City, SD. The purpose of the hearing was to learn how small businesses are impacted by multiple-use and wilderness policies. To say the least, I was overwhelmed by the Black Hills community's strong response and turnout for this hearing. Nearly 200 concerned South Dakotans were in attendance on a holiday weekend morning. Citizens from surrounding States attended as well. The committee also received many comments during the week the hearing record was kept open.

The hearing reaffirmed a very disturbing fact: Opponents of multiple-use practices on Federal lands in the Black Hills and elsewhere are mounting a frontal assault on existing uses of Federal lands and the concept of multiple-use itself. How Federal lands are used and maintained would greatly affect the livelihoods of thousands of citizens, and the existence of thousands of small businesses throughout the West. The economic survivability of many western communities, large and small, are at stake. The following statement by Mr. Frank Davis, director of the Division of Forestry, South Dakota Department of Agriculture, best states the important issues at stake in the Black Hills:

Virtually every acre of the Black Hills National Forest needs some form of management to keep it in a vigorous, healthy, aesthetically pleasing, and productive condi-

tion. The forest plan should recognize this, and it should be reflected in the size of the timber program.

Madam President, Federal land use is a complex subject. There are many issues to be considered. Ranching, timbering, tourism, recreation, mining, and manufacturing are impacted directly by Federal land use decisions. Other businesses that service the industries I just listed are affected indirectly. If a balance among competing interests is not reached, and the use of Federal lands is severely curtailed, or restricted entirely, the results could be disastrous. Mayor Drue Vitter of Hill City, speaking on behalf of the mayors of the Black Hills, said it best at the hearing:

Good management of the forest by the Forest Service, sustain a good cut for the industry, groom the forest well, keep it healthy, and we will have a healthy economy. Don't let anybody sway you into thinking that total wilderness will save anything. It will only wreck our economy in western South Dakota.

Mayor Vitter is right. Indeed, his statement can be applied not just in South Dakota but throughout the West. Absent responsible multiple-use plans, many rural communities would disappear, thousands of Americans would lose their jobs, families would be disrupted, and the condition of Federal lands would be placed in jeopardy.

This last point—the management of Federal lands—is the centerpiece, the hub of multiple-use strategies. Sound stewardship and range management practices represent the foundation needed to protect Federal lands and ensure that they are maintained for future generations. Multiple-use practices by the ranchers themselves greatly enhance the condition of Federal lands. Keep in mind that many generations of ranch families have made a living, raised their families, and maintained these lands for future generations. The sustainability of their livelihoods was linked to the sustainability of the land. They are the true environmentalists.

To tell these ranchers, these true environmentalists, to get off public lands and leave the management to the Government is not the way to go. The fiscal and environmental costs involved would be excessive. The hands-on stewardship that ranchers devote to the land would not be found in any Government agency. The ranchers are a vital partner of the successful planning and implementation of multiple-use policies.

Am I suggesting the Federal Government leave the ranchers and others alone to manage the land? Of course not. I agree that there are some who abuse public lands. I agree that abuse of Federal lands is a problem. If Government worked in concert with responsible users of the land, needless abuse can be corrected. However, forcing ranchers, miners, loggers, and

other responsible users off all Federal land, and then locking the land up and throwing away the key is not the answer. Unmanaged lands would leave us with a Pandora's box of problems that would be devastating to the wildlife and their habitats on federal lands. Yes, overuse leads to abuse. However, unmanaged nonuse leads to abuse as well—negligent abuse.

This leads me to the other side of the equation: preservation. For the benefits of multiple-use practices to be assured, environmental and preservation considerations must be part of the multiple-use package. Preservation does not always mean putting land out of reach of human contact. Preservation requires active, regular human monitoring and management. The Black Hills is a perfect example. The issue is not always use versus nonuse of Federal lands. The issue is striking the proper balance among competing concerns which guarantee the economic viability and environmental sustainability of Federal lands. It is not an easy task.

Multiple-use policies in the Black Hills include programs to enhance their beauty and preservation. Proper forest management prevents forest fires. Watershed requires management too. Without these programs, the Black Hills could be vulnerable to irreversible damage caused by fire or floods. The Black Hills is a beautiful, majestic region because it is well-preserved and well-managed.

What has alarmed me is the direction being taken by some fringe elements to shut out the public entirely from Federal lands. Balances can be struck, but human concerns must be considered and weighed before decisions are made. Caution must be taken so that the scale is not tipped too heavily to one side. Currently there are two wilderness areas in South Dakota. One in the Black Hills National Forest and the other in the Badlands. These areas have maintained the natural beauty of the Black Hills, enhanced the ecosystem, and improved the health of the forest. As a result, we now have a healthy thriving forest in the Black Hills. Most people feel there is enough wilderness in South Dakota. However, environmental extremists are asking that 10 more areas, 6 in the Black Hills, totaling 131,200 acres be named as wilderness areas. Again, the issue is striking the proper balance. On that standard, the extremists' proposal would tip the scales too far.

Madam President, many decisions on multiple-use policies have yet to be made. A forthcoming decision would determine whether or not the Black Hills National Forest could continue to sustain a vital timber industry. I am speaking of the proposed forest management plan revision soon to be announced for the Black Hills National Forest. A successful revision plan

would be one that builds on current management practices. Anything less will not do. I have taken an active role in this to assure that South Dakota's timber industry would survive under any new plan.

Last week, the Senate adopted an amendment, which I cosponsored, to delay for 1 year the implementation of the administration's proposed 1994 rangeland reform plan. This was a necessary step. The stakes are huge. The livelihoods of thousands of American families are at risk. Changes in existing practices must receive full public review. Action by Congress will be necessary. More hearings will be needed. The people must be heard from.

Madam President, I will continue working with South Dakotans who are stewards of the Federal lands in South Dakota to determine how these lands should be cared for in the future. The input of these citizens is vital if sound public policy is to be achieved. The answers will be found among those Americans who have cared for the land over the years. Their future and their children's future depends on continuing multiple-use practices on our Federal lands.

Mr. President, I ask unanimous consent that three newspaper articles be included in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Sept. 5, 1993]
PRESSLER RIPS ENVIRONMENTAL EXTREMISTS
(By Dick Rebbeck)

Timber sale appeals and wilderness set-asides took a sound thrashing Saturday in Rapid City at a Senate hearing on "public land use impact on small business" in the Black Hills.

Sen. Larry Pressler, R-S.D., opened the Senate Small Business Committee hearing with a charge that the Sierra Club and "environmental extremists" create havoc in the timber industry with so-called frivolous appeals to forest management decisions.

And that, he said, undercuts the area's whole economic base.

Following the morning-long session, Pressler also told reporters he was "very dubious" about proposals to designate many thousands of acres of Black Hills National Forest as unlogged wilderness.

Instead, he advocated retaining public lands in multiple-use—logging, grazing, watershed, recreation, mining—management.

Thirteen witnesses spoke before a crowd of some 200 to summarize their written testimony filed with the Senate committee.

South Dakota State Forester Frank Davis said he opposed adding to the amount of designated wilderness in the Black Hills.

The entire national forest needs management, which includes logging, to remain healthy, vigorous and productive, he said.

Stan Silva of the forest supervisor's office at Custer said three areas totalling 16,500 acres were under study as possible wilderness. If Congress adds these areas to the federal wilderness system, the amount of Black Hills National Forest timber available to logging would decrease by 5 percent.

Silva also said options considered for revision of the 10-year forest plan would vary-

ously limit timber harvest to 40 million to 100 million board feet.

Hill City Mayor Drue Vitter followed that up with a call to maintain timber harvest at 100 million to 120 million board feet a year to sustain the region's economy.

Reducing the cut even to 80 million board feet could drive mills out of business and cost the Black Hills some 800 jobs, Vitter said.

Dave Meredith of McLaughlin Sawmill at Spearfish said reducing national forest logging from 118 million to 85 million board feet would put 25 companies with 1,700 employees "at risk."

For the Sierra Club, Brian Brademeyer said increasing wilderness, while reducing timber harvest, would increase tourism.

But Don Perdue said if his Rapid City furniture plant quit business for lack of wood products, he'd hope "environmentalists" would explain to his \$10-an-hour employees why they'd be better off working for minimum wage in the tourism industry.

[From the Argus Leader, Sept. 8, 1993]

TIMBER LAND APPEALS TRIVIAL, PRESSLER SAYS

RAPID CITY.—Sen. Larry Pressler, R-S.D., criticized "environmental extremists" over the Labor Day weekend for creating havoc in the timber industry with so-called frivolous appeals of forest management decisions.

Pressler also told reporters he was "very dubious" about proposals to designate many thousands of acres of Black Hills National Forest as unlogged wilderness.

Instead, the Senator said public lands should be retained in multiple-use management for logging, grazing, watershed and recreation.

Pressler was in Rapid City to hold a Senate hearing on the impact of public land use on small business.

[From the Lawrence County Centennial, Sept. 8, 1993]

ANTI-WILDERNESS FEELINGS DOMINATE HEARING

(By Shane L. Mott)

Opposition against any further wilderness designation in the Black Hills was a major emphasis common among those testifying during a Sept. 4 U.S. Senate Field Hearing on the effect of federal land use upon small business held in Rapid City.

The hearing was part of a Labor Day weekend tour of several sites around South Dakota by Sen. Pressler.

We're all environmentalists," said Sen. Larry Pressler, R, referring to testifying during the hearing.

The hearing was divided into four parts: prefacing remarks by Pressler, government witnesses, industry witnesses and environmental witnesses.

With over 150 people present, it was one of the largest groups ever to attend a Congressional meeting in this area.

Pressler differentiated between everyone who cares about the environment and the extreme environmentalists, naming the Sierra Club as an example of extremism.

The late Governor George Mickelson and Governor Walter D. Miller both have strongly advocated multiple-use in the Black Hills.

"Within South Dakota, 63 percent of federal lands are owned by the U.S. Forest Service. Many small businesses are affected by how the over three million acres of federal land is used," said Pressler.

"The Black Hills timber industry contributed \$76 million to the area economy last

year. The forest service plan will greatly affect the timber industry positively or negatively for the next ten years.

"The issue of timber sales needs to be resolved. The Sierra Club's irresponsible filing of appeals to every timber sale needs to be eliminated," said Pressler.

Representatives of the timber industry and environmental groups agreed the bonding and costs involved in timber sales are hurting small businesses.

When Pressler challenged the "frivolous appeals" made by the Sierra Club, Brian Brademeyer of the Sierra Club, responded the appeals weren't frivolous. "Appeals wouldn't be made if the Forest Service obeyed the law in relation to the appeals," said Brademeyer.

Quoting from documents in 1875, Frank Davis, Director of the South Dakota Division of Forestry said, "Fire damage and open spaces are common . . . scarcely an old tree could be found . . . rarely is a tree greater than eight inches thick."

"The Black Hills Forest is in better condition now than it was in 1875. Every part of the Black Hills has been logged, mined, grazed and used by man. There is no true wilderness in the Black Hills," Davis said.

Davis set the theme followed by all government, timber and tourist representatives. "The forest will be destroyed if additional wilderness areas are approved," he said.

Tom Troxel of the Black Hills Multiple-Use Coalition agreed.

"Not only is the forest healthier, but the wildlife population is also healthier and it must be remembered that people are also part of the ecosystem," Troxel said.

Timber and tourist industry representatives agreed with Troxel and Davis.

"After 120 years of settlement and civilization, there is no person more than 2.5 miles from a road," said Bill Honerkamp of the Black Hills Badlands and Lakes Association.

It was pointed out that trucks and other modern fire fighting equipment can't be used to fight fires in areas designated as wilderness.

"Grazing public lands helps reduce the amount of dead vegetation. This reduction helps reduce the danger of fire," said Larry Nelson, president of the South Dakota Lands Council.

"Wilderness designations lock people out. It is discriminating against the disabled," said Hill City Mayor Drue Vitter.

"The majority of the 4 million annual visitors from outside South Dakota wouldn't be able to enjoy areas they now have access to. The designation of additional wilderness areas would harm the recreational/tourist industry," said Honerkamp.

"The designation of wilderness would eliminate some grazing lands and five percent of current timber harvests," said Nelson and Stanley Sylva, Resource Staff Officer for the Black Hills National Forest.

"In essence, a wilderness designation eliminates ecological diversity," Nelson said.

Nelson warned that if grazing fees rise substantially and livestock are locked out of public lands the only option left for ranchers would be to subdivide their property.

"Approximately 22,000 animals are grazed in the Black Hills by 251 operators and most graze no more than 150 animals," said Nelson and Sylva.

Brademeyer countered that the Sierra Club has proposed the wilderness areas because it would help promote the environment, tourism and film making industry.

Despite Brademeyer's claim, legally, most filming would be prohibited in wilderness areas.

Brademeyer said, "More wilderness areas need to be designated because 95 percent of wilderness designations are west of the Dakotas and only one acre per square mile of South Dakota is designated wilderness."

In response to a question by Pressler, Brademeyer said, "The Sierra Club bases its nine wilderness proposals solely on the criteria that no roads were in the area."

Joseph Satrom from the Nature Conservancy's South Dakota-North Dakota office said, "The organization's goal is to preserve and protect endangered plants and animals. While it is thought some endangered plants and animals exist in the Black Hills, there is no scientific data to prove it."

"Until such time the scientific data is available, the Nature Conservancy isn't actively seeking land in the Black Hills. The biggest danger to the Black Hills is development by out-of-state companies," Satrom said.

Agreeing with industry witnesses, Satrom said, "A sustainable environment means a sustainable economy."

The new forest plan is due out this winter. The forest plan will focus upon water yield, roadless areas, exploration and production of minerals and timber production.

"The new plan will reduce timber harvests from the current 120 million board feet down to between 40-100 million board feet," says Sylva.

"The reduction in timber has already closed mills and put people out of work. If timber production falls below 80 million board feet, one mill will be lost. If it falls below 60 million, two mills will be lost leaving only the large national companies," Vitter said.

"Federal law says the first priority of the national forests is to maintain a sustainable yield of timber," Vitter added.

"The timber industry believes a sustainable yield is around 120 million board feet a year," said Dave Meredith, owner of McLaughlin timber Mill, Spearfish.

"The Black Hills National Forest provides \$4.1 million in payments to the state and counties and provides 2,100 jobs," Sylva said.

A reduction in timber sales means less money to schools and local government and less money means higher taxes on lower paying jobs," Vitter said.

"A sustainable supply of timber protected from attack is necessary for a health industry," Meredith said.

Don Perdue, president of Perdue Inc., a Rapid City furniture company, agreed.

"The cost of timber has risen 43 percent since August 1992. The rise has forced our company to absorb extra costs and raise our prices in a highly competitive market. The lack of supply, due to timber sale appeals, has forced my company to shut down several times already," Perdue said.

"When a shut-down occurs, 200 people are put out of work. These are \$10 an hour plus benefits jobs. We have a \$25 million a year business with a \$5.4 million payroll," he said.

THE SOMALI OPERATION

Mr. THURMOND. Madam President, when we first sent Americans into Somalia, I had serious misgivings about the operation. Knowing it is much easier to get into a situation than to get out of it, I was especially concerned about the lack of a long-term plan to end the operation and bring our people home. The Somalia operation was a humanitarian act, and flowed from the

fundamental decency and compassion of the American people. Even so, I worried that it would turn ugly once we decided to disarm Somali warlords. In a country torn by violence and anarchy, I feared that escalating the mission would surely put American lives at risk—and for no purpose that served America's vital interests.

I was not alone in these concerns. Many of my colleagues shared the same views. Yet in the first days of our presence there, I was proud of my country, and of the men and women of our Armed Forces. I am even more proud of their fortitude and courage in the present trying circumstances.

Few nations in the world could have—or would have—done what the United States did, strictly out of compassionate concern for our suffering fellow beings. Without doubt our intervention saved the lives of thousands who would have died of starvation and disease. Our soldiers and marines acted with compassion, and showed restraint and self-discipline. Their military professionalism was all the more remarkable considering how difficult and ambiguous the situation was in those early days of the Somali mission. It was not war. It was not police work. It fell somewhere in a gray area that military personnel are not specifically trained to handle.

But today, Madam President, I am outraged by our losses in Somalia and the treatment of our dead. I am appalled at how the situation in Somalia has deteriorated. The administration may feel the need to put the best face on what has happened, but the deaths of 12 United States soldiers who died Sunday night speak more loudly than all the platitudes about U.N. peace-keeping and nation-building.

To date we have lost 23 killed in action, 143 wounded, at least 1 American taken prisoner, and the bodies of our dead desecrated by the very people we went to save. This tragedy leaves me unspeakably sad and angry. I grieve for the families of our killed and wounded.

Madam Speaker, the Somalia mission has steadily sucked us into a situation that now offers no good options. Americans are dying in an ill-defined mission that bears no clear relation to the national interest. I agree that this is intolerable, and must not continue. We all want to get out of this quagmire. Yet we do not know how, for no matter how ill-advised it was to get engaged in a Somali tribal war; now that Aided and his thugs have killed Americans, it is in our national interest to punish them. In other words, what is at stake is not just Somalia. It was a wilderness of savagery and squalor before we arrived, and unfortunately, it may revert to the same state when we leave. Frankly, I do not think we have the power to prevent it. What happens there is no longer the main issue, as far as I am concerned.

What is at stake is U.S. credibility and prestige, but not just for their own sake. Credibility and prestige are not abstractions, but are indispensable components of national power. They are essential to convince potential adversaries of our will and resolve. In other words, Madam President, what is at stake is America's ability to operate freely around the world, both now and in the future. Loss of U.S. credibility will only invite thugs and warlords to try their hand at killing Americans—perhaps in a time and place where our vital interests are at stake. We simply cannot allow the world to see us shamefully kicked out of Somalia by Aided and his gang of cutthroats.

Consequently, Madam President, while we cannot allow the tragedy in Somalia to continue, I regretfully conclude we cannot simply pull out precipitously. We must find a solution that will allow us to withdraw as soon as possible, but with U.S. credibility and international prestige intact. It is past time for the Congress to come to grips with this sorry spectacle and force the administration to find a way out of the quagmire—before Somalia becomes the pattern for future United States missions with the United Nations.

Certain things must happen in order for the United States to begin a quick but orderly and honorable withdrawal. First, we must redefine the Somalia mission. Let us forget nation-building or importing Western-style democracy into such a place. Frankly, the prerequisites for self-government do not exist in Somalia. The administration's goal of agreements among the clans and some kind of grand national council are naive and unrealistic. This is a formula for a long-term commitment, and can probably never produce a viable central government in any case.

The mission must be redefined in military terms—to secure Mogadishu and guarantee protection for our forces so that they can withdraw without harassment, in a time of our own choosing. Above all, we must eliminate the confusion that inevitably comes from operating under the aegis of the United Nations. Once our Rangers were surrounded and attacked Sunday night, it took over 7 hours to organize and dispatch a rescue force from among the various U.N. troops in the city. Our troops must be allowed to operate as a unified, cohesive American combat force, making full use of their proven skill, training, and equipment. They must not be artificially hobbled by the mistaken idea that the problem of Aided and his thugs is a matter of law enforcement. The high casualties we suffered in the Sunday night battle resulted from a misguided attempt to arrest Aided's lieutenants. Why arrest them, Mr. President? Once arrested, in what venue and under whose law are they to be tried, and how are they to be punished if convicted?

Once the mission is redefined, Mr. President, we must decide on a sound strategy and operational plan to carry it out quickly. That also means we may have to temporarily increase our military power to levels sufficient to protect our forces as they are withdrawn; for as all military men know, a withdrawal under fire is the most difficult of maneuvers. We may need to redeploy a carrier group in the Red Sea for adequate air support. I do know this, Madam President. The reinforcements proposed by the Pentagon—one reinforced company with a handful of tanks and Bradley fighting vehicles, seven helicopters, and two AC-130 gunships are hardly enough. The problem is not just that this response is feeble, but that it is tailored to fit into the existing flawed, muddled situation. In fact, it has all the earmarks of the incrementalism and half-hearted approach that led to the debacle in Vietnam.

Madam President, I conclude by expressing some sympathy with my colleagues who want to pull out instantly. Had we known that our generosity and compassion would lead to this tragedy, we might have avoided it. But foresight was lacking in this instance. Regrettably, statecraft must be based on our best judgment at the time. Now I believe we have to exercise some vision and foresight. I do not advocate that we linger in Somalia, incurring more casualties to enact the vague Utopian notions of the United Nations. I do ask that we make fundamental changes in the way we are operating, so that we can extricate ourselves quickly and surely, and in a way that keeps the Nation's credibility—and thus our deterrence to future aggressors—intact. Otherwise, we may find we will have to pay a higher price than we are now paying in the streets of Mogadishu, and in a place that does involve the Nation's vital interests.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 United States Code 1928a-1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly fall meeting during the first session of the 103d Congress, to be held in Copenhagen, Denmark, October 7-11, 1993: The Senator from Hawaii [Mr. AKAKA], the Senator from Colorado [Mr. CAMPBELL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Utah [Mr. BENNETT].

EXECUTIVE SESSION

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the

Senate proceed to executive session to consider the following nomination reported today by the committee on Armed Services; and that the Senate proceed to its immediate consideration: Gen. John M. Shalikashvili, to be Chairman of the Joint Chiefs of Staff; I further ask unanimous consent that the nominee be confirmed, and that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the immediate consideration of the nomination?

There being no objection, the Senate proceeded to the immediate consideration of the nomination.

The nomination was considered and confirmed as follows:

THE JOINT CHIEFS OF STAFF

Gen. John M. Shalikashvili to be Chairman of the Joint Chiefs of Staff.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1993

Mr. LAUTENBERG. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2243, an act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2243) entitled "An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LAUTENBERG. Madam President, I move that the Senate insist on its amendment, agree to the request for conference, and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLLINGS, Mr. FORD, Mr. BRYAN, Mr. DANFORTH, and Mr. GORTON conferees on the part of the Senate.

CATAWBA INDIAN TRIBE OF SOUTH CAROLINA LAND CLAIMS SETTLEMENT ACT OF 1993

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Senate proceed to immediate consideration of calendar No. 223, H.R. 2399, the

Catawba Indian Tribe of South Carolina Land Claims Settlement Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2399) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1022

Mr. LAUTENBERG. Madam President, I send an amendment to the desk on behalf of Senator INOUE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. INOUE, proposes an amendment numbered 1022.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the text of the bill designated as subsection (b) of section 4, strike the word "entitled" each place it appears and insert in each such place the word "eligible".

Amend the text of the bill designated as subsection (c) of section 15 to read as follows:

(c) LAWS AND REGULATIONS OF THE UNITED STATES.—The provisions of any Federal law enacted after the date of enactment of this Act, for the benefit of Indians, Indian nations, tribes, or bands of Indians, which would affect or preempt the application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the South Carolina State Implementing Act, shall not apply within the State of South Carolina, unless such provision of such subsequently enacted Federal law is specifically made applicable within the State of South Carolina.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 1022) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2399), as amended, was passed.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2685, a bill to extend the Federal Physicians Comparability Allowance Act of 1978, and that the Senate then proceed to its immediate consideration; that the bill be deemed read the third time, passed, and the motion to reconsider laid upon the table; that any statements relating to this measure appear in the RECORD at the appropriate place as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2685) was deemed read the third time, and passed.

ARMS CONTROL OBSERVER GROUP

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 149, submitted earlier today by Senators MITCHELL and DOLE, regarding the Senate observer group; that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 149) was agreed to, as follows:

S. RES. 149

Resolved, That (a) the provisions of Senate Resolution 105 of the One Hundred First Congress (agreed to April 13, 1989) (as extended by Senate Resolution 358 of the One Hundred First Congress (agreed to October 28, 1990), and further extended by Senate Resolution 365 of the One Hundred Second Congress (agreed to October 8, 1992)), shall remain in effect until December 31, 1994.

(b) Section 2(b) of Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in paragraph (1)—

(A) by inserting "or more" after "one" each place it appears; and

(B) by striking "staff member" each place it appears and inserting in lieu thereof "staff members";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3), (4) and (5) as paragraphs (2), (3) and (4), respectively; and

(4) in paragraph (2) (as redesignated), by striking "or secretary" each place it appears.

(c) Section 2(c) of Senate Resolution 105 of the One Hundred First Congress is amended

by striking the first sentence and inserting in lieu thereof the following: "The majority leader and minority leader may each designate one or more staff members to be responsible to the respective leaders."

(d) Section 3 of Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in subsection (a)—

(A) by striking "\$600,000" and inserting in lieu thereof "\$380,000"; and

(B) by striking the period at the end thereof and inserting a comma and the following: "except that not more than \$100,000 shall be available for each administrative cochairman and the cochairman's staff, and not more than \$60,000 shall be available for each cochairman of the group who is not an administrative cochairman and the cochairman's staff"; and

(2) in subsection (b), by striking "\$300,000" and inserting in lieu thereof "\$200,000".

(e) This resolution, and the amendments made by this resolution, shall be deemed to have become effective as of March 30, 1993.

Mr. MITCHELL. Madam President, this resolution extends the authority of the Senate Arms Control Observer Group as authorized by Senate Resolution 105 of the One Hundred First Congress (as previously extended by Senate Resolution 365 of the One Hundred Second Congress) to the end of this Congress.

This proposed resolution also makes certain cost-cutting modifications in the measure establishing this group. The number of staff and support personnel authorized to assist the group has been reduced consistent with general efforts to decrease legislative branch spending. These adjustments have been made, however, in a manner that will continue to allow the group to effectively execute its duties.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were held before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1580. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the Exchange Stabilization Fund for fiscal year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC-1581. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the relative cost of shipbuilding for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, with an amendment:

S. 1301. An original bill to authorize appropriations for fiscal year 1994 for intelligence activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103-155).

By Mr. BAUCUS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 978. A bill to establish programs to promote environmental technology, and for other purposes (Rept. No. 103-156).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 134. A resolution urging the Government of Kuwait to compensate United States citizens and their families for financial losses incurred as a result of their evacuation during the Iraqi invasion of Kuwait.

S. Con. Res. 31. A concurrent resolution concerning the emancipation of the Iranian Baha'i community.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Carol Bellamy, of New York, to be Director of the Peace Corps; Tobi Trister Gatl, of New York, to be an Assistant Secretary of State;

Roger R. Gamble, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Roger R. Gamble.

Contributions, amount, date and donee:

1. Self, \$25.00, December, 1991, RNC; \$25.00, December, 1990, RNC; \$25.00, March 1990, RNC.

2. Spouse, None.

3. Children and spouses, names, Peter and Kelly Hartshorn; Steven and Rosa Gamble; Scott and Leonor Gamble; Marc Gamble, none.

4. Parents, names, Avis Gamble, Ronald Gamble (deceased), none.

5. Grandparents, names, Newton and Ethel Key (deceased).

6. Brothers and spouses, names, Richard and Hilda Gamble, none.

William Dale Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: William Dale Montgomery.

Post: Bulgaria.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Lynne Germain Montgomery, none.

3. Children and spouses, names, Alexander Edward Montgomery, Amelia Sarah Montgomery, Katarine Germain Montgomery, none.

4. Parents, names, William E. and Blondell C. Montgomery, none.

5. Grandparents, names, William and Bess Markus Close, Guy and Blanche Barrett Montgomery, deceased.

6. Brothers and spouses, NA.

7. Sisters and spouses, names, Mary and Dennis King, none. Cynthia and Bergir Wernerfeldt. My sister, Cynthia, tells me that both she and her husband have contributed over the years to the Democratic Party. She declined to specify the amounts.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Richard A. Boucher.

Post: Republic of Cyprus.

Contributions, amount, date and donee:

1. Self, \$75, January 1989, Democratic Party, \$35, September 1989, Democratic National Committee.

2. Spouse, Carolyn L. Brehm, \$240 per year, 1990, 1991, 1992, 1993, General Motors Civic Involvement Program, \$100, October 1992, Hoosiers for Jill Long.

3. Children and spouses, Madeleine Brehm Boucher, age 5, Peter Brehm Boucher, age 2, none.

4. Parents, Melville J. and Ellen Boucher, \$55, 1989, Democrats/NY Democrats, \$105, 1990, Democrats/NY Democrats, \$15, 1990, Bernie Sanders for Congress, \$90, 1991, Democrats/NY Democrats, \$25, 1991, Abrams for Senate, \$220, 1992, Democrats/NY Democrats, \$35, 1992, Abrams for Senate, \$75, 1992, Bernie Sanders for Congress, \$10, 1993, Clinton/Gore Transition, \$35, 1993, Democratic National Committee, \$25, 1993, Moynihan Reelection Committee, and \$37, 1993, Democratic Senatorial Campaign Committee.

5. Grandparents, Hiram A. Boucher, Rosa Stokes (Boucher), Hermann Kaufmann, Ella Barth (Kaufmann), deceased.

6. Brother and Spouse, Douglas and Charlotte Boucher, \$50, July 1990, Harkin for Senate, \$250, October 1990, Bernie Sanders for Congress, \$500, September 1991, Bernie Sanders for Congress, and \$100, December 1991, Tom Harkin for President.

7. Sister, Anita Boucher, \$10, 1990, Paul Wellstone for Senate, \$20, 1990, Bernie Sanders for Congress, and \$20, 1992, Democratic Campaign Committee.

Peter F. Romero, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Peter F. Romero.

Post: Ambassador, United States Embassy, Quito, Ecuador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Peter F. Romero, none.

2. Spouse: Ruth F. Espey-Romero, none.

3. Children and spouses names: Alexander Baden Romero, age 9, none.

4. Parents names: Peter Reyes, none; Catherine Tobin, none.

5. Grandparents names: Edward Nevers, Julia Nevers (both deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: Julia Lacaba, none.

Parker W. Borg, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Parker W. Borg.

Post: Ambassador; Iceland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: \$100, March 7, 1992, Tsongas Committee, \$100, October 26, 1992, Hoagland for Congress.

2. Spouse: none.

3. Children and spouses names: All under 10 years of age.

4. Parents names: Betty W. Borg, none; Lloyd E. Borg (deceased, May 1982).

5. Grandparents names: All deceased for more than ten years.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Merrily Borg Babcock, Leslie Anne Borg, (both divorced more than ten years), none.

Alan John Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Nominee: Alan John Blinken.

Post: Ambassador; Belgium.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Alan John Blinken, \$10,000, July 1992, DNC; \$1,000, July 1992, Friends of Bob Carr; \$500, January 1992, Owens for Senate; \$1,000, May 1992, Clinton for President; \$500, June 1992, Kerry Committee; \$1,000, October 1991, Committee for Tim Wirth; \$1,000, December 1991, Liz Holtzman for Senate; \$1,500, September 1991, DNC; \$10,000, December 1991, DNC; \$1,000, April 1990, Bill Bradley for U.S. Senate; \$500, January 1990, Eisendrath Campaign Committee; \$500, February 1990, Sloane for Senate Committee; \$1,000, June 1990, Friends of Al Gore, Jr. (Primary); \$1,000, June 1990, Friends of Al Gore, Jr. (General); \$250, October 1990, Women's Campaign Fund; \$1,000, June 1989, Andrew Stein for Congress; \$500, February 1989, Coelho for Congress; \$1,000, August 1989, Re-Elect Congressman Schumer, 1993, none.

2. Spouse: Melinda Blinken, \$1,000, October 1988, People for John Heinz Committee; \$1,000, July 1988, Al Gore for President Committee; \$1,000, January 1990, Re-Elect Congressman Chuck Schumer; \$1,000, April 1990, Bill Bradley for U.S. Senate, 1990; \$200, June 1990, Reed for Congress; \$1,000, June 1992, Susan Molinari for Congress; \$500, May 1992, Barbara Boxer for U.S. Senate; \$1,000, May 1992, Clinton for President; \$1,000, September 1992, Abrams, 1992; \$250, October 1992, Kerry for President; \$500, July 1992, Lynn Yaekel for Senate.

3. Children and spouses names: Jonathan Blinken, spouse, Linda Blinken, none; Wendy

Boyd-Smith, spouse, Tim Boyd-Smith, none; David Blinken, spouse, Sally Blinken, \$200, 1992, Ferraro for Senate; \$50, 1992, Carol Mosely Braun for Senate; Carol Ann Emquies, spouse, Moise Emquies, \$250, January 1993, Hollywood Women's Pol. Comm.; \$250, February 1992, \$200, May 1992, Barbara Boxer for U.S. Senate; \$500, February 1991, \$250, July 1991, \$250, January 1992, \$250, August 1992, \$325, November 1989, \$208, October 1989, \$250, January 1990, \$250, August 1990, Hollywood Women's Pol. Comm.

4. Parents names: Maurice H. Blinken, deceased; Ethel Blinkin, none.

Grandparents names: Mier Blinken, Anna Blinken, deceased; Kate Horowitz, Morris Horowitz, deceased.

6. Brother and spouse names: Robert and Allison Blinken, \$10,000, September 15, 1992, DNC Victory Fund; \$2,000, July 6, 1992, DNC Victory Fund; \$5,000, October 15, 1990, Alan Blinken, 1990, Donald and Vera Blinken, 1990, \$250, March 1990, DNC; \$1,000 March 1990, Moynihan Committee; \$2,000, October 1991, Moynihan Committee; \$5,000, May 1992, DNC; \$2,000, July 1992, DNC; \$1,000, September 1992, DNC; \$1,000, September, 1991, Clinton for President; \$5,788, August 1992, DNC; \$1,000, April 1993, Democratic Senate Campaign; \$1,000, April 1993, Democratic Senate Campaign; \$1,000, May 1993, Dick Swett for Congress; \$500, June 1992, Abrams, 1992; \$250, September 1992, Citizens for Downey; \$500, September 1992, Citizens for Downey; \$100, May 1992, Braun for Senate; \$250, February 1990, Bill Green for Congress; \$250, September 1992, NYS Democratic Committee, Vera Blinken, \$1,000, January 1992, Clinton for President; \$3,000, September 1992, DNC; \$1,000, March 1990, Moynihan Committee; \$1,000, April 1993, Democratic Senate Committee; 1991, none.

7. Sisters and spouses names: None.

Swanee Grace Hunt, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Nominee: Swanee Grace Hunt.

Post: United States Ambassador to Austria.

The following is a list of all members of my immediate family and their spouse. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Swanee G. Hunt; \$2,000, 06/21/89, Buie Seawell for Senate; \$1,000, 08/29/89, Colorado Democratic Party; \$1,000, 10/09/89, Dick Bond for Congress; \$2,000, 11/30/89, Citizens for Romer; \$4,000, 01/21/90, Gail Schoettler Campaign; \$1,000, 02/12/90, Coloradans for David Skaggs; \$2,000, 04/10/90, Josie Heath for US Senate; \$1,000, 05/16/90, Young Working for Georgia; \$5,000, 07/11/90, Rex Moran-Committee to Restructure Public Education; \$1,000, 07/30/90, Pat Hodapp for State Representative; \$1,000, 08/01/90, Committee to Elect Daphne Greenwood; \$5,000, 08/30/90, Democratic Senate Campaign Committee; \$2,000, 09/24/90, Josie Heath for US Senate; \$4,000, 09/27/90, Colorado Democratic Party Coordinated Campaign; \$1,000, 10/26/90, Re-elect Gail Schoettler Treasurer; \$1,000, 10/26/90, Committee to Elect Daphne Greenwood; \$1,000, 05/20/91, Committee for Tim Wirth; \$10,000, 07/03/91, Citizens for a Healthy Colorado; \$1,000, 08/31/91, Re-elect David Skaggs; \$1,000, 02/06/92, Clinton for President; \$1,000, 02/06/92, National Women's Political Caucus; \$1,000, 02/06/92, Majority Council (Emily's List); \$1,000, 03/19/92, National Women's Political Caucus;

\$1,000, 03/19/1992, Elect Daphne Greenwood; \$1,000, 03/19/1992, Friends of Tom Redder; \$2,000, 04/05/1992, Colorado Democratic Women's PAC; \$1,000, 04/16/1992, Josie Heath for US Senate; \$2,000, 06/12/1992, Children's First Campaign; \$1,000, 07/09/1992, Colorado Democratic Party; \$250,000, 08/12/1992, DNC Victory Fund—Non Federal Account; \$1,000, 08/25/1992, Friends of Tom Redder Inc; \$1,000, 12/15/1992, Majority Council (Emily's List); \$1,000, 12/15/1992, Emily's List; \$1,000, 03/25/1993, Bob Krueger for Senate; \$5,000, 05/13/1993, Fair Share Health;

2. Spouse: Charles A. Ansbacher, \$1,000, 05/03/1990, State of Colorado House Committee for Arts; \$1,000, 09/19/1990, John Miller Re-election campaign; \$2,500, 05/03/1991, Norm Early for Mayor, Inc; \$1,000, 08/31/1991, Re-elect David Skaggs; \$1,000, 05/05/1992, Dick Lamm for Senate; \$5,000, 09/21/1992, DNC Victory Fund '92;

3. Children and Spouses: Henry Lloyd Ansbacher, none; Lillian Helen Hunt-Meeks, none; Theodore Patrick Ansbacher-Hunt, none;

4. Parents: Ruth Ray Hunt, \$1,000, 03/27/1989, Steve Bartlett for Congress; \$1,000, 04/28/1989, Kent Hance for US Senate (primary); \$1,000, 04/28/1989, Kent Hance for US Senate (general); \$1,000, 08/90, Steve Bartlett for Congress; \$1,000, 09/20/1990, The President's Club; \$1,000, 03/11/1991, Steve Bartlett for Congress; \$1,000, 03/18/1991, Sam Johnson for Congress (primary); \$1,000, 05/10/1991, Sam Johnson for Congress (general); \$1,000, 10/29/1991, Bush/Quayle '92; \$5,000, 12/26/1991, Hunt Oil Company PAC; \$7,500, 09/28/1992, The Presidential Trust; \$1,000, 05/11/1993, Kay Hutchison for Senate; Haroldson Lafayette Hunt, Jr. (deceased);

6. Brothers and Spouses: Ray L. Hunt, \$1,000, March 17, 1989, Steve Bartlett for Congress; \$1,000, April 13, 1989, Craig Thomas for Congress; \$1,000, April 28, 1989, Kent Hance for US Senate; \$1,000, May 17, 1989, Martin Frost for Congress; \$1,000, September 5, 1989, Senator Bennett Johnston Campaign; \$1,000, October 10, 1989, Cohen for Senator; \$1,000, November 29, 1989, Sanford for Senate; \$1,000, August 16, 1990, Steve Bartlett for Congress; \$1,000, September 18, 1990, The President's Club; \$1,000, October 18, 1990, Mary Meade Campaign; \$1,000, March 11, 1991, Steve Bartlett for Congress; \$1,000, March 13, 1991, Sam Johnson for Congress (primary); \$1,000, May 8, 1991, Sam Johnson for Congress (general); \$1,000, August 13, 1991, Martin Frost for Congress (primary); \$1,000, August 18, 1991, Martin Frost for Congress (general); \$1,000, October 29, 1991, Bush/Quayle 1992; \$5,000, December 23, 1991, Hunt Oil Company PAC; \$1,000, January 16, 1992, Friends of Dick Lugar; \$5,000, May 22, 1992, Texas Victory 1992 Committee; \$5,000, August 20, 1992, The Presidential Trust; \$7,500, September 28, 1992, The Presidential Trust; \$1,000, May 6, 1993, Kay Hutchison for Senate; Nancy A. Hunt, \$1,000, March 17, 1989, Steve Bartlett for Congress; \$1,000, April 13, 1989, Craig Thomas for Congress; \$1,000, April 28, 1989, Kent Hance for US Senate (primary); \$1,000, April 28, 1989, Kent Hance for US Senate (general); \$1,000, May 17, 1989, Martin Frost for Congress (primary); \$1,000, May 17, 1989, Martin Frost for Congress (general); \$1,000, September 9, 1990, Steve Bartlett for Congress; \$1,000, March 11, 1991, Sam Johnson for Congress (primary); \$1,000, May 1, 1991, Steve Bartlett for Congress; \$1,000, May 7, 1991, Sam Johnson for Congress (general); \$1,000, August 13, 1991, Martin Frost for Congress (primary); \$1,000, August 13, 1991, Martin Frost for Congress (general); \$1,000 unknown Bush/Quayle '92 \$5,000 December 23, 1991 Hunt Oil Company

PAC; \$5,000 May 22, 1992, Texas Victory '92 Committee; \$1,000 May 5, 1993, Kay Hutchison for Senate;

7. Sisters and Spouses: June Hunt, \$1,000, May 11, 1993, Kay Hutchison for Senate; Helen Hunt, \$1,000, January 10, 1989, Friends of Ruth Messinger; \$1,000 May 25, 1989, Committee to Re-elect L. Holtzman; \$1,000 June 21, 1989 Committee to Elect K. Hutchinson; \$2,000 October 17, 1989, Campaign of L. Holtzman; \$1,000 October 25, 1989, Committee for David Dinkins; \$1,000 November 5, 1990, Friends of Ruth Messinger; \$1,000 November 9, 1990, Women's Campaign Fund; \$1,500 June 30, 1991, Committee to Re-elect Wilma Mankiller; \$1,000 August 8, 1991, Women's Campaign Fund \$1,000 October 18, 1991, Boxer for Senate; \$1,000 September 19, 1991, African National Congress; \$1,000 February 28, 1992, Lynn Yeakel for Senate; \$1,000 July 30, 1992, Carolyn Maloney for U.S. Congress; \$2,000 October 1, 1992, Colorado Democratic Party; \$2,100 October 1, 1992, Elmly's List; \$1,000 December 9, 1992, Friends of Ruth Messinger; \$1,000 January 28, 1993, Kay Bailey Hutchison for Senate Committee (general); \$6,000 April 14, 1993, The Committee for David Dinkins; \$1,000 May 21, 1993, Kay Bailey Hutchison for Senate Committee (primary); Helen Hunt and Harville Hendrix, \$1,000, February 11, 1990, Carolyn Maloney in '89; \$1,000, March 16, 1990, Ann Richards Committee; \$1,000 August 13, 1990, Josie Heath for U.S. Senate; \$1,000 August 17, 1990, Child Care Action Campaign; \$10,000 October 1, 1992, Democratic National Conventions Victory '92;

Thomas Michael Tolliver Niles, of Kentucky, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Thomas Michael Tolliver Niles.

Post: Ambassador to Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Thomas M.T. Niles, none;
2. Spouse: Carroll E. Niles, \$250, August 1992, Clinton/Gore Campaign;
3. Children and spouses: John Thomas Niles, none; Mary Chapman Niles, none;
4. Parents: Father, deceased; mother, Rena L. Niles, none;
5. Grandparents: Mr. and Mrs. John Niles, deceased; Mr. and Mrs. A.I. Lipetz, deceased;
6. Brother: John Edward Niles, none;
7. No other siblings.

Edward Joseph Perkins, of Oregon, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Nominee: Edward Joseph Perkins.

Post: Australia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee;

1. Self: Edward J. Perkins, none;
2. Spouse: Lucy Liu Perkins, none;
3. Children and Spouses: Katherine Karla Shih-tzu Perkins & Spouse, Jeffrey Kovar,

none; Sarah Elisabeth Shih-yin Perkins, none;

4. Parents, mother: Tiny Estelle Holmes, none; Father: Edward Perkins, Sr., deceased;
5. Grandparents: deceased;
6. Brothers and Spouses: Andrew Perkins, none;
7. Sisters and Spouses: Joyce Perkins, Gloria Perkins, none.

Thomas A. Loftus, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Thomas A. Loftus.

Post: Ambassador to Norway.

Contributions, amount, date, and donee:

1. Self, \$25, April 1993, Dem. National Committee, \$25, October 1992, Ada Deer for Congress, and \$100, July 1992, Josie Heath for U.S. Senate.

Friends of Tom Loftus (campaign committee) \$500, January 1992, Ferraro for U.S. Senate, \$450, August 1992, Friends of Fred Kessler (House candidate), \$15, September 1992, Feingold Committee (U.S. Senate).

2. Spouse: Barbara C. Loftus, none.

3. Children, Alec and Karl, none.

4. Parents, Father Adolph O. Loftus, none.

Mother, Margaret E. Loftus, \$50, January 1993, Presidential Transition Planning, \$25, January 1993, Presidential Transition Planning, \$500, March 1992, Clinton for President, \$25, March 1993, Checota for U.S. Senate, \$35, August 1990, \$10, September 1989, \$100, February 1990, \$20 May 1990, Keep Kastenmeier in Congress, \$50, October 1989, Citizens for Dave Obey, \$15, March 1989, Friends of Tony Earl—U.S. Senate, and \$150, September 1990, Dem. Party of Wisconsin.

5. Grandparents, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses, Sister, Geraldine Wagner, \$25, April 1989, \$15, June 1989, \$15, October 1988, Keep Kastenmeier in Congress, \$25, September 1992, Victory in Wisconsin (Clinton/Gore).

Sister, Shirley Wolfgram, Spouse, Merlin Wolfgram, none.

Sister, Wendy Loftus, Spouse, Jens Stub, none.

William Lacy Swing, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Swing, William Lacy.

Post: Haiti.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names Brian (son), Nicole (wife), none.
4. Parents, names (all deceased).
5. Grandparents, names (all deceased).
6. Brothers and spouses, names James (brother), Arlene (spouse), (\$400-\$500 annually to Republican National Committee over each preceding year).

7. Sisters and spouses, names, Anna (sister Lawrence (spouse), none.

Richard W. Teare, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

The following is a list of all members of my immediate family and their spouses I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Richard Wallace Teare.

Post: Ambassador to Solomon Islands and to the Republic of Vanuatu.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Jeanie W. Teare, December 30, 1989, Democratic Congressional Campaign Committee, \$25, Democratic Senatorial Campaign Committee, \$20, October 6, 1990, Harvey Gantt for Senate Campaign Committee, \$25, December 31, 1990, Democratic Congressional Campaign Committee, \$25, Democratic Senatorial Campaign Committee, \$20.
- Also January 20, 1992, Democratic Senatorial Campaign Committee, \$25, Democratic Congressional Campaign Committee, \$25, December 31, 1992, John Glenn for Senate Committee, \$50, Democratic National Committee, Federal Account, \$25, March 25, 1993, Democratic Congressional Campaign Committee, \$25, Democratic Senatorial Campaign Committee, \$25.
3. Children: Elizabeth B. Teare, none.
- Catherine S. Teare (single), September 26, 1990, Harvey Gantt for U.S. Senate, \$20, October 13, 1990, Harvey Gantt for U.S. Senate, \$30, December 3, 1991, Boxer for U.S. Senate, \$20, April 12, 1992, Barbara Boxer, \$5, May 21, 1992, Boxer for Senate, \$30.
- Margaret G. Teare, none.
4. Parents, Wallace G. Teare, father, deceased.
- Dorothy S. Teare, mother, April 9, 1989, Volnovich for Governor, \$100, June 8, 1989, Cain for State Representative, \$20, October 12, 1989, Democratic Senatorial Campaign Cmte, \$50, March 13, 1990, Committee to Re-elect, Madeline Cain, \$15, March 23, 1990, The Kerry Committee, \$25, June 9, 1990, Mikulski for Senate, \$25, and October 17, 1990, The Kerry Committee, \$25.
- Also March 1, 1991, The Kerry Committee, \$15, March 8, 1991, Democratic National Committee, \$55, March 9, 1991, The Kerry Committee, \$15, May 20, 1991, Democratic Congr'l Campaign Cmte, \$25, July 5, 1991, Ferraro for U.S. Senate, \$25, July 30, 1991, Democratic Senatorial Campaign Cmte, \$25, September 27, 1991, Ferraro for U.S. Senate, \$10, November 8, 1991, Democratic Senatorial Campaign Cmte, \$25.
- Also January 2, 1992, Committee for Cuomo, \$25, February 27, 1992, Committee to Re-elect Madeline Cain, \$25, March 27, 1992, Emily's List, \$100, April 27, 1992, Committee to Re-elect Jane Campbell, \$25, June 15, 1992, Clinton for President, \$50, June 20, 1992, Braun for Senate, \$100, July 1, 1992, Lynn Yeakel for U.S. Senate, \$100, August 12, 1992, Ferraro for U.S. Senate, \$25, September 2, 1992, Ferraro for U.S. Senate, \$25, October 14,

1992, Democratic Senatorial Campaign Cmte, \$25, October 20, 1992, Democratic Senatorial Campaign Cmte, \$25, November 9, 1992, Democratic Senatorial Campaign Cmte, \$25, and December 2, 1992, Ferraro for U.S. Senate, \$25.

5. Grandparents, names, George W. and Florence G. Teare, deceased, Carl W. and Minnie H. Schaefer, deceased.

6. Brothers and spouses, names, none.

7. Sisters and spouses, names, Virginia T. Katz, sister, Albert M. Katz, spouse, none.

Daniel L. Spiegel, of Virginia, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Daniel L. Spiegel

Post: Representative of the United States to the European Office of the United Nations, with rank of Ambassador.

Contributions, amount, date, and donee:

1. Daniel Spiegel, \$1,000, February 1989, Kerry Committee, \$300, May 1989, Larry Smith for Congress ('90), \$500, June 1989, Hamilton for Congress, \$500, July 1989, Citizens for Harkin, \$1,000, November 1989, Friends of Senator Carl Levin, \$3,902, February 1990, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, \$1,000, March 1990, Kerry Committee, and \$300, May 1990, Larry Smith for Congress ('90).
- Also \$200, May 1990, Tierney for Congress, \$500, October 1990, Citizens for Harkin, \$1,000, May 1991, Levine Campaign Committee, \$250, June 1991, Leahy for US Senator Committee, \$3,829, June 1991, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, \$250, August 1991, Americans for Harkin, \$500, October 1991, Humphrey for Senate Campaign Committee Inc., \$500, November 1991, Leahy for US Senator Committee.
- Also \$500, November 1991, Citizens for Senator Wofford, \$1,299, February 1992, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, \$1,228, March 1992, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, \$1,000, April 1992, Clinton for President Committee, \$1,228, May 1992, Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, \$250, June 1992, Carol Moseley-Braun for U.S. Senate, \$500, October 1992, Leahy for U.S. Senator Committee and \$250, May 1993, Leahy for U.S. Senator Committee.

2. Spouse, Marianne Spiegel \$500, October 1990, Kerry Committee, \$250, August 1991, Americans for Harkin and, \$250, January 1992, National Abortion Rights Action League Political Action Committee (NARAL-PAC).

3. Children and spouses, names, Anna Spiegel (age 9), none.

4. Parents, names Anna (deceased), and William Spiegel, none.

5. Grandparents, names, deceased.

6. Brothers and spouses, names, none.

7. Sisters and spouses, names, Judy and Jim Rogers, none.

Theresa Anne Tull, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Tull, Theresa Anne.

Post: Ambassador to Brunei.

Contributions, amount, date, and donee:

1. Self, None.
2. Spouse, N/A.
3. Children and spouses, names, N/A.
4. Parents, names John J. Tull, Anna Paul Tull, deceased.
5. Grandparents names, Ira and Minnie Tull, Charles and Elizabeth Paull, deceased.
6. Brothers and spouses, John J. Tull, \$25.00 1989, 1990, 1992, 1993, Democratic Sen. Campaign Committee \$55.00 1991, \$15.00 1991, \$120.00 1992, \$20.00 Democratic National Committee.
- Betty Bradshaw Tull, none Democratic Cong. Campaign Committee.
- Robert Tull, \$50.00, annually, National Republican Party, \$50.00, annually, Washington State Republican Party, \$100.00, 1992, Jack Metcalf's 2nd Congressional District Race \$50.00 1992 Slade Gorton Senate Race and \$25.00, 1993, Slade Gorton Campaign Fund.
- Nancy Gilmore Tull, None.
- Thomas J. Tull, \$100.00, 1990, Camden County Democratic Committee (New Jersey).
- Marie Walsh Tull, none.
- Charles J. Tull, \$35.00, 1989, 1990, 1991, 1992, 1993, Indiana Democratic Party \$35.00 1990, \$50.00, 1992, Congressman Tim Roemer's Campaign.
- Mildred Banker Tull, none.
7. Sisters and spouses, names Elizabeth Waldis, John Waldis, none, Hazel McLane, Robert McLane, deceased.

By Mr. NUNN, from the Committee on Armed Services:

Nora Slatkin, of Maryland, to be an Assistant Secretary of the Navy.

The following-named officer, under the provision of title 10, United States Code, section 152, for appointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general while serving in that position:

To be Chairman of the Joint Chiefs of Staff

To be general

Gen. John M. Shalikashvili, xxx-xx-xxxx, U.S. Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. PELL, Mr. KERRY, and Mr. STEVENS):
S. 1517. A bill to establish a marine biotechnology program within the National Sea Grant College Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:
S. 1518. A bill to suspend temporarily the duty on Diquat Dibromide; to the Committee on Finance.

S. 1519. A bill to suspend temporarily the duty on lambdacyhalothrin; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 1520. A bill to authorize the establishment of a center for the conservation and interpretation of Ozark culture and heritage at the Ozark National Scenic Riverways, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG:

S.J. Res. 140. A joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. BRYAN, Mr. MCCAIN, and Mr. ROTH):

S.J. Res. 141. A joint resolution designating October 29, 1993, as "National Firefighters Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 148. A resolution expressing the sense of the Senate that the United Nations should be encouraged to permit representatives of Taiwan to participate fully in its activities, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 149. A resolution extending the provisions of Senate Resolution 105 of the One Hundred First Congress, relating to the Senate Arms Control Observer Group, and for other purposes; considered and agreed to.

By Mr. PELL (for himself and Mr. MOYNIHAN):

S. Con. Res. 47. A concurrent resolution to recognize the International Rescue Committee for its great humanitarian endeavors; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. PELL, Mr. KERRY, and Mr. STEVENS):

S. 1517. A bill to establish a marine biotechnology program within the National Sea Grant College Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

• Mr. HOLLINGS. Mr. President, today I am pleased to join with several of my colleagues in introducing legislation that addresses an issue of growing national significance, the Marine Biotechnology Investment Act of 1993. Biotechnology, a technique in which living material is used to make or modify products, is a rapidly expanding industry around the world. It is expected to have profound effects on health care, agriculture, energy, and environmental management. In the United States, the importance of biotechnology to the national economy is growing, as diverse new industrial application are found. Sales of U.S. biotechnology products approached \$4 billion in 1991. By the

turn of the century, those sales are expected to grow to \$50 billion annually.

A Federal biotechnology research initiative was established in 1992 to coordinate Federal research efforts and to maintain U.S. competitiveness in this growing sector of the global economy. In recent years, the interagency program has been funded at a level of about \$4 billion annually, primarily to support health-related research, one area which has received minimal Federal support or investment is marine biotechnology. In 1992, a report by the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] estimated that marine research claimed only \$44 million of the entire U.S. research budget for biotechnology.

In fact, a recent FCCSET report acknowledges that limited public funding may cause U.S. marine scientists to fall behind their global competitors. The report states:

The oceans of the world represent a vast source of new foods, pharmaceuticals, minerals, and energy. But little attention has been directed at the biotechnological potential of the oceans' rich array of diverse organisms. This oversight is serious since oceanic organisms harbor a major portion of the Earth's genetic resources. Equally serious is the failure to adequately capitalize on the oceans to meet the growing needs for natural resources by expending populations and economies.

The report goes on to contrast minimal U.S. funding levels with the substantial marine biotechnology investments made by other nations, particularly Germany and Japan. Both nations recently have established major new centers based on the premise that marine biotechnology is one of the greatest remaining technological and industrial frontiers. Among the opportunities which it may offer are to: Restore and protect marine ecosystems; monitor human health and treat disease; increase food supplies through aquaculture; enhance seafood safety and quality; provide new types and sources of industrial materials and processes; and understand biological and geochemical processes in the world ocean.

This bill would require the President's Science Adviser, through FCCSET, to develop a 10-year national marine biotechnology strategy for the establishment and implementation of a comprehensive Federal research and development effort. It would authorize appropriations through fiscal year 1997 to strengthen the marine biotechnology program in our Nation's primary civilian ocean research agency, the National Oceanic and Atmospheric Administration [NOAA].

The NOAA program would be comprised of three elements: First, a grant program established by this legislation under the National Sea Grant College Program; second, partnerships with academic institutions to develop appli-

cations for improving marine resource management; and third, marine forensics, biotoxins, and microbiological research. Annual spending authorizations of \$32 million are proposed for fiscal years 1994 and 1995, of which \$20 million would be authorized to support sea grant efforts. The authorized level for fiscal years 1996 and 1997 would be \$35 million, of which \$25 million would be designated to fund sea grant. The bill also would amend the National Sea Grant College Program Act establishing a marine biotechnology review panel to make grant decisions that are competitively based on scientific, technical, educational, and commercial merit.

Finally, a complex environmental concern, the release of genetically engineered organisms, is addressed. The legislation calls for stronger Federal oversight and for the National Academy of Sciences to complete a study of environmental problems associated with accidental or intentional releases into the marine environment. NOAA would be prohibited from conducting or awarding grants for activities that could involve such releases, without approval under applicable law or a determination of no significant environmental risk.

Mr. President, marine biotechnology offers the promise of unlocking the secrets of the cell, enabling us to use marine resources in developing new products and processes. Marine biotechnology also could give us tools to manage marine resources more wisely and effectively. I cannot overemphasize the potential economic, social, and environmental benefits to be gained by this Nation from an organized focus on marine biotechnology. Through development of Government-university-industry partnerships, the Marine Biotechnology Investment Act should provide that organization and focus. •

• Mr. PELL. Mr. President, I am delighted to join with the distinguished chairman of the Commerce Committee [Mr. HOLLINGS] in introducing legislation to promote marine biotechnology through the National Sea Grant College Program.

I also want to commend the junior Senator from Massachusetts [Mr. KERRY] for his leadership in holding hearings by the Commerce Committee which have helped to refine this legislation.

Our legislation represents an extraordinary opportunity for the United States to capitalize on an emerging growth field in which its leadership is being challenged by determined international competition.

Marine biotechnology, which uses molecular and cellular techniques to develop new products from marine organisms, has shown the ability to create new materials, improved aquaculture and seafood products, better

techniques for environmental remediation, and new pharmaceuticals from the sea.

This field has the proven capacity not only to revolutionize our use of marine resources, but also to improve our ability to manage those resources, which are becoming increasingly scarce.

We cannot afford to lose yet another promising new technology to our international competitors, whose governments are subsidizing efforts to bring to market the advances in marine biotechnology pioneered in the United States.

It is particularly appropriate that our marine biotechnology initiative be established in the National Sea Grant College Program.

I introduced the Sea Grant Act in 1966 and, I am proud to say, this small program has amassed an extraordinary record of scientific accomplishment and economic benefit over more than two decades.

I know of few programs anywhere that have the demonstrated economic impact of the Sea Grant Program—a proven return of more than 20 times the amount of the Federal investment, despite declining resources over more than a decade.

In addition, because sea grant is a matching funds program, it is also a highly leveraged Federal investment in which nearly half of the total program cost is derived from State and local governments, university funds, and support from private citizens.

Sea grant has the necessary balance of applied science to stimulate new advancements in marine biotechnology, education programs to train the skilled work force that is needed, and outreach through the Sea Grant Marine Advisory Service to transfer promising new technologies to the private sector.

The single largest interagency research effort underway in the United States today is in the field of biotechnology, at well over \$4 billion per year. Yet only 1 percent of this amount is available for research in the promising new field of marine biotechnology, and that amount has remained flat for the past 3 years.

We need this marine biotechnology bill to help promote and keep up with the explosive growth that has occurred in biotechnology in general. This growing field represents the kind of high-wage, high-technology, and high-skill initiative that is needed to revitalize the U.S. economy, while creating new jobs nationwide.

We need to respond to the priorities of the new administration in developing new partnerships between industry and Government, and preparing our economy to compete in the 21st century.

Our legislation will use the many existing benefits of the Sea Grant Program, and will not require the creation

of new administrative mechanisms to support further advancements in marine biotechnology.

Sea grant has led the U.S. effort in marine biotechnology, and has both the experience and the infrastructure to foster the growth of this field as quickly as possible.

I believe that our legislation is precisely what is needed to ensure that the United States remains at the forefront of this promising new frontier. ●

● Mr. KERRY. Mr. President, as the vice chairman of the Senate's National Ocean Policy Study of the Commerce Committee, I am pleased to cosponsor the Marine Biotechnology Investment Act of 1993 which the distinguished chairman of the Commerce Committee, Senator HOLLINGS, is introducing today.

The purpose of the Marine Biotechnology Investment Act of 1993 is to establish a coordinated national program of research, development, and private sector partnerships. This act will allow us to capitalize on our position as a world leader to create jobs, stimulate economic growth, and keep us competitive in developing 21st century technology. The field of marine biotechnology is an emerging growth industry which has the capacity to revolutionize our use and management of marine and aquatic resources through molecular and cellular techniques. Marine biotechnology is simply the application of basic research in marine biology for the benefit of humankind. The results of marine biotechnology include useful products, especially a variety of foods and medicines, and new technologies for better management of the environment. However, once again this Nation faces a situation in which we have led the world in the development of a promising new technology, only to see our international competitors move quickly to capitalize on advances pioneered here in the United States.

The Director of the Office of Science and Technology Policy, through the Federal Coordinating Council on Science, Engineering, and Technology, is authorized to develop a national marine biotechnology strategy which will establish the goals and priorities for a coordinated Federal effort. This strategy will identify and set forth the role of relevant Federal agencies and departments, most notably within the National Oceanic and Atmospheric Administration, but inclusive of all other relevant agencies; it will describe specific programs and activities within these agencies necessary to achieve the goals of the marine biotechnology strategy; and it will establish funding requirements.

The strategy also will provide for coordinated Federal oversight of marine biotechnology activities—including the release of genetically altered organisms—and will establish safety guide-

lines and performance standards to assess and minimize environmental risks associated with those activities. I am very concerned about the release of organisms which may have an adverse impact on the ecosystem; this bill further addresses my concern by requiring the Director to commission a study by the National Academy of Sciences to fully assess risks associated with the release of organisms involved in marine biological research as well as to identify and recommend regulations, guidelines, performance standards, and procedures.

Marine biotechnology is interdisciplinary, linking the sciences of aquaculture, marine veterinary medicine, and marine ecology with disciplines that are only partially marine. Because it reaches across disciplines, marine biotechnology is dependent on the transfer of information among overlapping fields. In order to tap some of the best minds in these various disciplines to spur the development of marine biotechnology, the National Sea Grant College Program, renowned for its capabilities in technology transfer, research, and education, will play a leading role in this effort. The bill addresses my interest in ensuring balance within the marine biotechnology program by establishing a marine biotechnology review panel, composed of experts in a variety of relevant scientific fields, to ensure a fair playing field for all proposals in the awarding of grants and contracts.

At the hearing I chaired on marine biotechnology this past June, we explored the role marine biotechnology needs to play in our economy. I believe that marine biotechnology is an area of great importance and promise for U.S. science and technology. In my State of Massachusetts, the marine biotechnology industry already has established a strong presence and is a very significant industry with great potential. If the United States is going to remain competitive in the global marketplace, we need to play to our strengths and support new technologies.

In the last decade, interest in marine biotechnology has intensified in countries around the world. Marine biotechnology is a line of research that holds clear promise for helping to solve real world problems. While marine biotechnology has been described as an emerging field, humankind has been using the sea and its organisms since ancient times—as a source of food, fertilizer, and unique products. We simply cannot afford to lose yet another promising new technology to our foreign competitors. If we as a nation are to meet the growing needs of our country, if we are to take advantage of the bounty the oceans offer, if we are to protect the viability of our coastal environments, we must commit ourselves to a national program that will build

on our current scientific achievements and develop national expertise for the future.

Again, I compliment the distinguished chairman of the Commerce Committee and his staff for their work in preparing this bill, and for his leadership on this issue. I look forward to working closely with Senator HOLLINGS and the other cosponsors to achieve passage of this important legislation.●

By Mr. LAUTENBERG:

S.J. Res. 140. A joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day"; to the Committee on the Judiciary.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. LAUTENBERG. Mr. President, today I rise to introduce a resolution designating December 7, 1993, as "National Pearl Harbor Remembrance Day." This will mark the 52d anniversary of the attack on Pearl Harbor.

On December 7, 1941, the United States was victim to an unprovoked attack by the Japanese Imperial Navy and Air Force. Although negotiations were being held in Washington by Japanese and American diplomats, the Japanese deliberately and secretly planned the attack for that Sunday morning. No war warning was issued and the Pacific fleet never suspected that an attack force was en route.

On the "date that will live in infamy," Pearl Harbor was surrounded by a dense cloud cover. Suddenly, about 360 Japanese planes broke through the clouds and raided the island. The Japanese bombarded American military installations and Army aircraft located at Hickam and Wheeler Fields. Then the Japanese units attacked the battleships moored at Ford Island.

Concentrating mainly on planes and ships, the Japanese did little damage to the submarine base and repair facilities. Fortunately, all of the American aircraft carriers stationed at Pearl Harbor were on missions away from the base. However, the Pacific fleet lost eight battleships, three light cruisers, three destroyers, and four vessels within 2 hours.

The American military bravely fought back to defend their base. Heroism was displayed by the sailors, the soldiers, the flyers, and the gunners as they manned their stations under the most severe conditions. However, all of the service people were caught off guard, many were even sleeping. The resistance of the Americans was not strong enough to fight off the large and prepared Japanese attacking force.

When the surprise and unprovoked attack ended, the Japanese left 2,403 Americans dead and 1,178 wounded. Innocent civilian lives accounted for some of the loss. Additionally, the attack crippled American air defense and undermined our position in the Pacific.

That Sunday morning, more than Hawaii was attacked; our Nation's isolationism was broken. This was the first time in U.S. history that we had been attacked first. Americans were indignant and wanted to avenge the lives that the Japanese had taken. The country became unified and stood behind the President as he signed a declaration of war at 4:10 p.m., Monday, December 8, 1941.

The service people and civilians who were there during the attack deserve a day of remembrance. This resolution requests the President to issue a proclamation asking the people of the United States to observe this solemn occasion with appropriate ceremonies, and to remain eternally vigilant in protecting our Nation from future aggression.

As "Remember Pearl Harbor" was the rallying cry during World War II, we must remember all of those who lost their lives during the tragedy, and commit ourselves to never being caught unprepared again.

I want to commend all the New Jersey members of the Pearl Harbor Survivors Association for their active and strong support of this resolution. The 10,000 member national organization is fortunate to have Lee Goldfarb as its president. Mr. Goldfarb has spent many years assuring that Pearl Harbor will not be forgotten. I thank him and his association for not letting anyone forget the events that occurred for 2 hours at Pearl Harbor 52 years ago.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD, and I urge my colleagues to support this joint resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 140

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;

Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

Whereas, the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the Armed Forces of the United States during World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1993, is designated as "National Pearl Harbor Remembrance Day". The President is authorized and requested—

(1) to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies and interested organizations, groups, and individuals, to fly the flag of the United States at half staff on December 7, 1993, in honor of the individuals who died as a result of their service at Pearl Harbor.

By Mr. SARBANES (for himself, Mr. BRYAN, Mr. MCCAIN, and Mr. ROTH):

S.J. Res. 141. A joint resolution designating October 29, 1993, as "National Firefighters Day"; to the Committee on the Judiciary.

NATIONAL FIREFIGHTERS DAY

● Mr. SARBANES. Mr. President, today I am introducing a Joint Resolution to designate October 29, 1993, as "National Firefighters Day."

As a cochairman of the Congressional Fire Service Caucus and a longtime supporter of our Nation's fire service, I am honored to sponsor this resolution that sets aside one day to thank firefighters for their dedication and service to all of us.

Twenty-four hours a day, 365 days each year, firefighters are on standby—ready to come to our aid. These well-trained men and women are our first line of defense against fire and a host of other natural disasters. And while each of us hopes that we will never need their assistance, we take comfort in knowing that they are there.

In an age when so many bemoan the lack of role models for our youth, I suggest that we need to look only to the nearest firehall for heroes who day-to-day put their lives on the line in selfless service to others. Mr. President, all of the volunteer and career firefighters around our country truly deserve a day of recognition.

An identical resolution was introduced in the House last week by the distinguished chairman of the caucus, Representative HOYER from Maryland. Mr. President, I am very pleased that the bipartisan Senate leadership of the caucus is joining me today in introducing this important measure in the Senate. I commend Senator BRYAN, Senator MCCAIN, and Senator ROTH for their demonstrated concern for the fire service and I urge all of my colleagues to join us in sponsoring this joint resolution.●

ADDITIONAL COSPONSORS

S. 67

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties

for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 353

At the request of Mr. STEVENS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 353, a bill to provide Alaska Native Corporations, through an election process, standing to contest the disallowance of certain tax losses by the Internal Revenue Service if the purchasers of the losses agree; and to offset any associated revenue losses by increasing the interest rate on certain related tax deficiencies.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 377

At the request of Mr. GRAMM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunset, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 496

At the request of Mr. SIMON, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 496, a bill to amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

S. 515

At the request of Mr. PRYOR, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 515, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under medicare.

S. 774

At the request of Mr. WOFFORD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 774, a bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Pennsylvania [Mr. WOFFORD] was withdrawn as a

cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 990

At the request of Mr. BREAUX, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 990, a bill to promote fair trade for the United States shipbuilding and repair industry.

S. 1128

At the request of Mr. AKAKA, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1128, a bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists.

S. 1288

At the request of Mr. AKAKA, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Washington [Mrs. MURRAY], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1361

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1361, a bill to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes.

S. 1432

At the request of Mr. HOLLINGS, the names of the Senator from Washington [Mrs. MURRAY], the Senator from California [Mrs. BOXER], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1432, a bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry.

S. 1443

At the request of Mr. EXON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the name of the Senator from Virginia [Mr.

WARNER] was added as a cosponsor of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 122

At the request of Mr. LAUTENBERG, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Georgia [Mr. NUNN], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. THURMOND], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. GORTON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Missouri [Mr. DANFORTH], the Senator from North Dakota [Mr. CONRAD], the Senator from New Mexico [Mr. DOMENICI], the Senator from Missouri [Mr. BOND], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. DORGAN], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. MITCHELL], the Senator from California [Mrs. FEINSTEIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Utah [Mr. BENNETT], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 122, a joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month."

SENATE JOINT RESOLUTION 135

At the request of Mr. SIMON, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from California [Mrs. BOXER], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 135, a joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Day."

SENATE JOINT RESOLUTION 136

At the request of Mr. SIMON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 136, a joint resolution to designate the month of July 1994 as "Lewis and Clark Month."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be

accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations.

AMENDMENT NO. 1011

At the request of Mrs. HUTCHISON the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of amendment No. 1011 proposed to H.R. 2750, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

SENATE CONCURRENT RESOLUTION 47—RELATIVE TO THE INTERNATIONAL RESCUE COMMITTEE

Mr. PELL (for himself and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 47

Whereas the International Rescue Committee, which this year is marking the 60th anniversary of its founding, is a beacon of hope for the world's refugees, displaced by war, civil insurrection, ethnic conflict, political and religious persecution and famine;

Whereas in crisis after crisis—in Europe, Central America, Africa, and Asia—the field staff of the International Rescue Committee is often the first relief support on site to ease the suffering of refugees by stabilizing health conditions with critically needed sanitation, health care, and medical assistance;

Whereas the programs of the International Rescue Committee are also concerned with improving the quality of life for refugees by preparing them for a productive future through educating children and building new skills among adults;

Whereas often and whenever possible, programs implemented by the International Rescue Committee are ultimately turned over to the refugees themselves after they have been well trained by International Rescue Committee staff and volunteers;

Whereas the International Rescue Committee was founded in 1933 as a non-sectarian response to the increasing horrors of Nazi Germany;

Whereas as the need for humanitarian assistance expanded, so has the International Rescue Committee's commitment to refugees;

Whereas throughout the world, from Bosnia to Somalia, from Cambodia to El Salvador, the International Rescue Committee continues to aid refugees with medical assistance, shelter, food, and skills-training;

Whereas the International Rescue Committee also helps in repatriation or settlement to assist refugees in starting their life anew;

Whereas in its 60 years of service, the International Rescue Committee has not only provided for victims of brutality and for those suffering from natural disasters with services essential for survival and the means to rebuild their lives, but also has given them reason to have renewed optimism in the compassion and goodwill of their fellow human beings; and

Whereas October 15, 1993, the 60th anniversary of the founding of the International Rescue Committee, is an appropriate day on which to give recognition to the Inter-

national Rescue Committee for its great humanitarian endeavors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring). That on the occasion of the 60th anniversary of the founding of the International Rescue Committee, the Congress hereby recognizes the International Rescue Committee for its great humanitarian endeavors.

• Mr. PELL. Mr. President, today the distinguished senior Senator from New York and I are submitting a concurrent resolution proclaiming October 15, 1993, as a day of recognition for the International Rescue Committee for its great humanitarian endeavors.

I would like to take a moment to recount for my colleagues this organization's inspiring history. Let me add at the outset that I am not an unbiased observer. I worked for the IRC in Vienna during the Hungarian refugee crisis in 1956. I have been a vice president of the IRC and continue to serve on its board of directors.

The IRC was founded in 1933, at the urging of Albert Einstein, in response to the rising threat of Nazism to the safety of its opponents in Germany. The IRC's initial purpose was to raise America's consciousness, solicit funds, and assist in the escape of anti-Nazis and Jews in imminent danger. Throughout the war, IRC continued its mission and was instrumental in aiding the escape of thousands in danger, including leading intellectuals and artists such as Marc Chagall and Max Ernst and novelist Heinrich Mann.

After the war, the IRC continued and expanded its work. The IRC and its volunteers have provided assistance in many of the world's trouble spots, in Africa, Europe, Central and South America, and Asia. Often this assistance has been provided at great personal risk. I ask unanimous consent that a more detailed history of the IRC appear immediately following my remarks in the RECORD.

As we approach October 15, I think it is fitting that the Congress act to recognize an organization that has given so much to the world.

• Mr. MOYNIHAN. Mr. President, the International Rescue Committee [IRC] is celebrating 60 years of providing humanitarian relief to refugees. I am proud to be a co-sponsor of Senator PELL's resolution to commemorate this event.

There are estimated to be a staggering 18 million refugees in the world today. Ethnic conflicts, long suppressed by the cold war have now been rekindled creating a steady flow of refugees in places like Bosnia, Armenia, Sudan, and now Georgia. Natural disasters and other armed conflicts make no small contribution to the pool of displaced persons.

The IRC has worked diligently over the last 60 years to provide relief to those who have been forced from their homes. It works not only to provide for the immediate needs of refugees by

providing food, shelter, and medicine, but the IRC also seeks to provide for the long-term well being of refugees through education and worker training and by employing refugees.

The IRC is a frugal organization and a testament to their commitment to providing for refugees concentrates the bulk of its resources on the refugees. In 1991 Money magazine named IRC the best managed large U.S. charity, with 94.9 percent of its annual budget spent directly on assisting refugees.

The collapse of empires has historically been followed by periods of turmoil as the world readjusts to the power vacuum created by its sudden disintegration. Unfortunately, the need for organizations such as the IRC may well continue to grow. Being forced to leave one's home is a terribly devastating and traumatic experience and those who endure such hardship have my deepest sympathy. I would hope that those who are unfortunate enough to become refugees, do have the fortune of finding the IRC at the end of their long journey. IRC is a beacon of hope and testimony to the fact that human nature is not irredeemably savage. •

SENATE RESOLUTION 148—RELATIVE TO TAIWAN

Mr. SIMON submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 148

Whereas the United States has had a long history of friendship with the government of the Republic of China, more widely known as Taiwan;

Whereas Taiwan has the largest foreign reserves of any nation and a strong, vibrant economy, and now has the 20th largest gross national product in the world;

Whereas Taiwan has dramatically improved its record on human rights and now routinely holds free and fair elections in a multiparty political system;

Whereas agencies of the United States Government or the United Nations' working with Taiwan does not prevent or imperil a possible voluntary union between the People's Republic of China and Taiwan any more than recognizing separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany;

Whereas Taiwan has much to contribute to the work and funding of the United Nations;

Whereas governments of other nations that maintain diplomatic relations with the People's Republic of China, such as France and Norway, have also had ministerial-level exchanges with Taipei; and

Whereas it is in the interest of the United States and the United Nations to maintain good relations with a government and an economy as significant as that on Taiwan: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President, acting through the United States Permanent Representative to the United Nations, should encourage the United Nations to permit representatives of Taiwan to participate fully in the activities of the United Nations and its specialized agencies; and

(2) Cabinet-level exchanges between Taiwan and the United States should take place in the interests of both nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 149—RELATIVE TO THE SENATE ARMS CONTROL OBSERVER GROUP RESOLUTION

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 149

Resolved, That (a) the provisions of Senate Resolution 105 of the One Hundred First Congress (agreed to April 13, 1989) (as extended by Senate Resolution 358 of the One Hundred First Congress (agreed to October 28, 1990), and further extended by Senate Resolution 365 of the One Hundred Second Congress (agreed to October 8, 1992)), shall remain in effect until December 31, 1994.

(b) Section 2(b) of Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in paragraph (1)—
(A) by inserting "or more" after "one" each place it appears; and

(B) by striking "staff member" each place it appears and inserting in lieu thereof "staff members";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3), (4) and (5) as paragraphs (2), (3) and (4), respectively; and

(4) in paragraph (2) (as redesignated), by striking "or secretary" each place it appears.

(c) Section 2(c) of Senate Resolution 105 of the One Hundred First Congress is amended by striking the first sentence and inserting in lieu thereof the following: "The Majority Leader and Minority Leader may each designate one or more staff members to be responsible to the respective Leaders."

(d) Section 3 of the Senate Resolution 105 of the One Hundred First Congress is amended—

(1) in subsection (a)—
(A) by striking "\$600,000" and inserting in lieu thereof "\$380,000"; and

(B) by striking the period at the end thereof and inserting a comma and the following: "except that not more than \$100,000 shall be available for each Administrative Cochairman and the Cochairman's staff, and not more than \$60,000 shall be available for each Cochairman of the Group who is not an Administrative Cochairman and the Cochairman's staff."; and

(2) in subsection (b), by striking "\$300,000" and inserting in lieu thereof "\$200,000".

(e) This resolution, and the amendments made by this resolution, shall be deemed to have become effective as of March 30, 1993.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

WARNER (AND OTHERS) AMENDMENT NO. 1015

Mr. WARNER (for himself, Mr. THURMOND, Mr. GRAHAM, Mr. COATS, Mr.

LUGAR, Mr. BOREN, Mr. HOLLINGS, Mr. HELMS, Mr. FAIRCLOTH, Mr. DANFORTH, Mr. KOHL, and Mr. ROBB) proposed an amendment to the bill (H.R. 2750) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 54, line 14, beginning with "under", strike out all through "Code" on line 15.

BRADLEY AMENDMENT NO. 1016

Mr. BRADLEY proposed an amendment to the bill (H.R. 2750), supra, as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Congress finds that.

(1) The Federal Aviation Administration is in the process of testing alternatives to the microwave landing system, which might prove more cost effective and capable of supporting category I, II, and III landings.

(2) Proceeding with full scale production of the microwave landing system, without seriously considering alternatives, could result in a waste of Government resources.

(b) It is the sense of the Senate that Congress should not fund full production of the microwave landing system in the future until the Federal Aviation Administration determines whether other alternatives to the current system can meet its needs in a more cost effective manner.

WALLOP (AND SIMPSON) AMENDMENT NO. 1017

Mr. D'AMATO (for Mr. WALLOP, for himself and Mr. SIMPSON) proposed an amendment to the bill (H.R. 2750), supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . It is the sense of the Senate that the Secretary of Transportation should take such action as may be necessary to revise the Department of Transportation's cost/benefit analyses process to fully take projected military enplanement and cost savings figures into consideration with regard to radar installations at joint-use civilian/military airports. It is further the sense of the Senate that the Secretary of Transportation shall require the Federal Aviation Administration to reevaluate the radar needs at the Cheyenne, Wyoming Airport, and enter into an immediate dialogue with officials of the Wyoming Air Guard, F.E. Warren Air Force Base, and Cheyenne area leaders in the phase II radar installation reevaluation of the Federal Aviation Administration and adjust cost/benefit determinations based to some appropriate degree on already provided military figures and concerns and other enplanement projections in the region. The Senate further believes that the Secretary of Transportation should report the results of this reevaluation concerning the Cheyenne Airport's and Southeast Wyoming's aircraft radar needs to Congress within 60 days following the date of the enactment of this Act and explain how military figures and concerns with appropriately solicited and fully utilized in future radar decisions involving joint-use airport facilities.

BURNS (AND OTHERS) AMENDMENT NO. 1018

Mr. BURNS (for himself, Mr. DORGAN, Mr. CONRAD, and Mr. BROWN) proposed

an amendment to the bill (H.R. 2750), supra, as follows:

On page 68, between lines 5 and 6, insert the following new section:

SEC. . CARGO PREFERENCE.

(a) INAPPLICABILITY OF CARGO.—For fiscal year 1994, the cargo preference requirements of section 901 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241), and the Act of March 26, 1934 (48 Stat. 500, chapter 90; 46 U.S.C. App. 1241-1), shall not apply in the case of shipments of grain to Russia from Pacific Northwest ports under the Food For Progress program announced at the Vancouver Summit on April 4, 1993, if the Secretary of Transportation, in consultation with the Secretary of Agriculture, determines that there is an insufficient number of privately owned United States-flag commercial vessels available to transport such grain.

(b) DEFINITION.—The term "Pacific Northwest" means the region defined by section 1(b) of Public Law 88-552 (16 U.S.C. 837(b)), except that for the purposes of this section, the term includes the entire State of Montana.

BROWN AMENDMENT NO. 1019

Mr. BROWN proposed an amendment to amendment No. 1018 proposed by Mr. BURNS to the bill (H.R. 2750), supra; as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION ON COST OF CARGO PREFERENCE.

Notwithstanding any other provision of law, no Federal agency shall contract for the transportation of goods with any carrier whose rates are more than 100 percent above the average competitive world market shipping rate, as determined by the Secretary of Commerce.

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1020

Mr. D'AMATO (for Mr. MURKOWSKI, for himself and Mr. STEVENS) proposed an amendment to the bill (H.R. 2750), supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds appropriated by this Act shall be available for use for closing or otherwise reducing the services of any flight service station in the State of Alaska in operation on the date of the enactment of this Act, until after the expiration of the 90-day period following the date that the Secretary of Transportation has reported to Congress regarding the effects on safety of the flight service station closing and reduction in services plan being carried out by the Federal Aviation Administration in the State of Alaska on the date immediately preceding the date of the enactment of this Act. Such report shall be submitted no later than 90 days after enactment of this Act.

BOXER (AND FEINSTEIN) AMENDMENT NO. 1021

Mrs. BOXER (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 2750), supra; as follows:

At the appropriate place under the heading Federal-aid Highways, insert the following:

"For an additional amount for emergency relief resulting from the Loma Prieta earthquake of October 17, 1989, as authorized by 23

U.S.C. 125, \$315,000,000, to be derived from the highway trust fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

CATAWBA INDIAN TRIBE OF SOUTH CAROLINA LAND CLAIMS SETTLEMENT ACT OF 1993

INOUE AMENDMENT NO. 1022

Mr. LAUTENBERG (for Mr. INOUE) proposed an amendment to the bill (H.R. 2399) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the tribe, and for other purposes; as follows:

In the text of the bill designated as subsection (b) of section 4, strike the word "entitled" each place it appears and insert in each such place the word "eligible".

Amend the text of the bill designated as subsection (c) of section 15 to read as follows:

(c) LAWS AND REGULATIONS OF THE UNITED STATES.—The provisions of any Federal law enacted after the date of enactment of this Act, for the benefit of Indians, Indian nations, tribes, or bands of Indians, which would affect or preempt the application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the South Carolina State Implementing Act, shall not apply within the State of South Carolina, unless such provision of such subsequently enacted Federal law is specifically made applicable within the State of South Carolina.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 5, 1993, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 5, beginning at 9:30 a.m., to conduct a business meeting to consider H.R. 2824, to modify the project for flood control, James River Basin, Richmond, VA, and to consider the nominations of—

Robert Perciasepe, nominated by the President to be Assistant Administrator for the Office of Water, Environmental Protection Agency.

Lynn R. Goldman, nominated by the President to be Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency.

Elliot P. Laws, nominated by the President to be Assistant Administrator for the Office of Solid Waste and Emergency Response, Environmental Protection Agency.

Jean C. Nelson, nominated by the President to be General Counsel, Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, October 5, 1993, at 10 a.m. to hold a hearing on Bosnian peace negotiations and during the course of the hearing to hold a brief business meeting to vote on pending nominations and noncontroversial resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, October 5, 1993, at 4:30 p.m. to hold a closed hearing on the status of Bosnian peace negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the "Health Security Act of 1993: Views of Health Care Providers," during the session of the Senate on Tuesday, October 5, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Patents, Copyrights, and Trademarks be authorized to meet during the session of the Senate on Tuesday, October 4, 1993, at 10 a.m. to hold a hearing on S. 1346, the Copyrights Royalty Tribunal Reform Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, October 5, 1993, at 10 a.m. to conduct a hearing on nation-

wide banking and branching and insurance activities of national banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HATE CRIMES

• Mr. SIMON. Mr. President, today I wish to address the growing number of racially motivated incidents in this country. In 1990, I sponsored the Hate Crimes Statistics Act, which mandated the Attorney General to gather hate crime statistics and identify trends to help us better predict and combat racially motivated crimes. Last year, I mentioned that I would monitor incidents of hate crime and report about them in the Senate RECORD.

A particularly disturbing incident occurred in our local area just last week. Swastikas were spray-painted on mailboxes, newspaper stands, walls and telephone booths in several areas in the District. Swastikas were found on newsstands outside the Justice Department, the Christian Science Monitor, and the Holocaust Museum. Last Friday morning, George Washington University students and staff members noticed a number of swastikas and commuters noticed some at the Farragut West Metro stop.

These are not isolated incidents. Hate crimes are increasing in number throughout the country. We live in a country today where there are students afraid to wear yarmulkes in public out of fear for their safety. The Anti-Defamation League reports that traditional racist groups like the Ku Klux Klan and the White Aryan Resistance are recruiting teenagers to boost their memberships.

Mr. President, we cannot allow these incidents to go unnoticed. Not only must we be aware of the prevalence of these incidents, but we need to work together to rid this country of hatred. A great America must be a tolerant and understanding America. We have to learn to care about one another more, and when we do, the twisted minds that want us to hate one another will find few takers. Let us follow the example set by the Aspen Hill community residents who responded in a positive fashion to a racial attack on two of its residents last year. The evening following the attack, community residents marched in protest at the site, carrying signs which said "Love thy neighbor no matter what color," "Stop hating," and "We the people." Mr. President, let us continue to uphold this neighborhood's message of unity and peace and let us hope their message will permeate throughout our country. •

JOE AGREDANO AND THE AZATLAN BOXING GYM

• Mr. DECONCINI. Mr. President, I rise today to share with the Senate the achievements of a man who is working to show the young people of Tucson, AZ, an alternative to gang membership and the violence and crime associated with it. Joe Agredano has been training young people in the sport of boxing for over 16 years. In addition to having produced three national champions, Joe has coached numerous State, regional, and Golden Glove champions. Joe was invited by the United States Olympic Committee to serve as head coach of the United States Olympic team for its meeting against the Russian team in a tournament held on March 26, 1993. Forty-four of these meets have been held since 1969, of which the United States team had beaten the Russian team only 7 times. In light of this history, Joe's achievement is all the more outstanding. His team defeated the Russian team in 11 out of 12 bouts.

Even more worthy of respect are the contributions Joe has made to the community of Tucson and to its young people. For 15 years now, the Azatlan Boxing Gym has been the site of an important transformation for the young people to whom Joe has reached. Training in this corrugated steel hut with no cooling system, hard concrete floors, dim lighting, and stale air has not been easy, but Joe and the young people he works with have persevered. He has not only given these young people the identity and sense of belonging that gang membership normally provides, but he has imparted to them both the desire to formulate and achieve goals and the discipline that will last a lifetime.

Mr. President, I would like to commend the efforts of Joe Agredano in providing the young people of Tucson an alternative to gang membership. In teaching these young people the value of wielding boxing gloves rather than weapons, he has blessed the community by inculcating in its youth the discipline and the desire for achievement necessary to become tomorrow's leaders.●

SCHOOL UNIFORMS

• Mr. SIMON. Mr. President, I want to bring to the attention of my colleagues an article that appeared recently in the New York Times. The author, Mark Mathabane, points out the many problems that are caused in American schools by a preoccupation with clothing. Too often, students are judged by what they can afford to wear.

I have long felt that school uniforms are a wise approach to addressing these problems. While I do not suggest that the Federal Government get involved in this issue, it does seem to be an appropriate approach for school officials.

I ask that the article "Appearances Are Destructive," by Mark Mathabane,

New York Times, August 26, 1993, be printed in the RECORD.

The article follows:

APPEARANCES ARE DESTRUCTIVE (By Mark Mathabane)

KERNERSVILLE, NC.—As public schools reopen for the new year, strategies to curb school violence will once again be hotly debated. Installing metal detectors and hiring security guards will help, but the experience of my two sisters makes a compelling case for greater use of dress codes as a way to protect students and promote learning.

Shortly after my sisters arrived here from South Africa I enrolled them at the local public school. I had great expectations for their educational experience. Compared with black schools under apartheid, American schools are Shangri-Las, with modern textbooks, school buses, computers, libraries, lunch programs and dedicated teachers.

But despite these benefits, which students in many parts of the world only dream about, my sisters' efforts at learning were almost derailed. They were constantly taunted for their homely outfits. A couple of times they came home in tears. In South Africa students were required to wear uniforms, so my sisters had never been preoccupied with clothes and jewelry.

They became so distraught that they insisted on transferring to different schools, despite my reassurances that there was nothing wrong with them because of what they wore.

I have visited enough public schools around the country to know that my sisters' experiences are not unique. In schools in many areas, Nike, Calvin Klein, Adidas, Reebok and Gucci are more familiar names to students than Zora Neale Hurston, Shakespeare and Faulkner. Many students seem to pay more attention to what's on their bodies than in their minds.

Teachers have shared their frustrations with me at being unable to teach those students willing to learn because classes are frequently disrupted by other students ogling themselves in mirrors, painting their fingernails, combing their hair, shining their gigantic shoes or comparing designer labels on jackets, caps and jewelry.

The fiercest competition among students is often not over academic achievements, but over who dresses most expensively. And many students now measure parental love by how willing their mothers and fathers are to pamper them with money for the latest fads in clothes, sneakers and jewelry.

Those parents without the money to waste on such meretricious extravagances are considered uncaring and cruel. They often watch in dismay and helplessness as their children become involved with gangs and peddle drugs to raise the money.

When students are asked why they attach so much importance to clothing, they frequently reply that it's the cool thing to do, that it gives them status and earns them respect. And clothes are also used to send sexual messages, with girls thinking that the only things that make them attractive to boys are skimpy dresses and gaudy looks, rather than intelligence and academic excellence.

The argument by civil libertarians that dress codes infringe on freedom of expression is misleading. We observe dress codes in nearly every aspect of our lives without any diminution of our freedoms—as demonstrated by flight attendants, bus drivers, postal employees, high school bands, military personnel, sports teams, Girl and Boy

Scouts, employees of fast-food chains, restaurants and hotels.

In many countries where students outperform their American counterparts academically, school dress codes are observed as part of creating the proper learning environment. Their students tend to be neater, less disruptive in class and more disciplined, mainly because their minds are focused more on learning and less on materialism.

It's time Americans realize that the benefits of safe and effective schools far outweigh any perceived curtailment of freedom of expression brought on by dress codes.●

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT

• Mr. EXON. Mr. President, recently I joined the Senator from Utah [Mr. HATCH] as a cosponsor of S. 784, the Dietary Supplement Health and Education Act of 1993.

I joined as a cosponsor for a number of reasons. First and foremost is the fact that millions of Americans rely on dietary supplements and I believe that access to safe and effective supplements should continue.

I also believe, as we explore options for improving our health care system, that we ought to take every reasonable step to encourage preventative health care. In some cases, dietary supplements may contribute to this effort and provide a cost-effective alternative.

Unfortunately, the dietary supplements marketplace is often very confusing and it is difficult for consumers to find consistent, objective information. Some supplement makers are responsible, while others take considerable liberties with claims made about their products. Moreover, enforcement of current law has led to a variety of charges and countercharges involving the FDA.

I am hopeful that the Senate Committee on Labor and Human Resources will take a close look at S. 784 for changes that remove some of this confusion. My ultimate support for S. 784, or any related legislation, rests on such improvements.●

THE BRADLEY AMENDMENT TO REDUCE THE FUNDING LEVELS OF THE BUREAU OF RECLAMATION AND THE ARMY CORPS OF ENGINEERS

• Mr. MCCAIN. Mr. President, last week during consideration of the energy and water appropriations bill an amendment was offered by Senator BRADLEY to reduce funding for the Bureau of Reclamation and the Army Corps of Engineers by 6.5 percent, to the President's request. I would like to offer a brief explanation of my vote in favor of this amendment.

Let me begin by saying that my vote does not indicate my support or opposition to any specific program. I voted in favor of this amendment because I am

concerned about runaway Federal spending and a \$4 trillion debt that is facing our Nation.

I do not always agree with the President, but when I recognize an effort on his part to control spending, as he has here—then we have an obligation to support him. We must cut spending. We have a perfect opportunity to do so.

All of us have made speeches about cutting spending and our desire to ensure fiscal responsibility. Yet each year we continue to pass appropriation bills which do not cut spending. In this instance, accounts for these agencies have been increased by the committee above the request made by the President. I believe we should support the President's request and cut the additional funds.

The amendment would simply reduce the amount of the appropriation and allow the conferees to determine specifically where the cuts would come from. I supported the amendment with the understanding that the conferees would apply these cuts fairly throughout the program and not target specific projects unduly.

I realize that the bill contains funding for programs within my own State. Nevertheless, if we are sincere in our efforts to reduce the deficit we must realize that cuts will eventually affect us all. While this amendment did not pass, I assure my colleagues that I will continue my efforts to reduce Federal spending where appropriate.●

ORDER OF BUSINESS

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. LAUTENBERG. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, October 6; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 2750, the Department of Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LAUTENBERG. Madam President, I ask unanimous consent that

when the Senate resumes the debate on H.R. 2750, amendment No. 1021, the amendment by Senator BOXER, from California, be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:45 p.m., recessed until Wednesday, October 6, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 1993:

DEPARTMENT OF STATE

ROBERT S. GELBARD, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS, VICE MELVYN LEVITSKY, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

FRANK ALMAGUER, OF VIRGINIA
JANET C. BALLANTYNE, OF CALIFORNIA
JOHN F. HICKS, OF FLORIDA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARGARET I. BONNER, OF TEXAS
LESLIE A. DEAN, OF CALIFORNIA
PHILIP-MICHAEL GARY, OF WASHINGTON
NORMA JEAN PARKER, OF NEW YORK
MARIO PITA, OF FLORIDA
BONNIE A. POUNDS, OF FLORIDA
WILLIAM S. RHODES, OF VIRGINIA
GEORGE A. WACHTENHEIM, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

L. MARCIA BERNBAUM, OF FLORIDA
DONALD W. BOYD, JR., OF FLORIDA
LISA CHILES, OF THE DISTRICT OF COLUMBIA
TONY L. CULLY, OF FLORIDA
PHILIPPE L. DARCY, OF CALIFORNIA
ROSE MARIE DEPP, OF MARYLAND
ALAN V. GETSON, OF VIRGINIA
DAVID E. MUTCHLER, OF MARYLAND
GERALD L. NELL, OF PENNSYLVANIA
WILLARD J. PEARSON, JR., OF CALIFORNIA
KENNETH R. RIKARD, OF MISSOURI
JOEL SCHLESINGER, OF MARYLAND
GORDON H. WEST, OF VIRGINIA
FREDERICK A. WILL, OF DELAWARE
FRANK J. YOUNG, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES R. DEMPSEY, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CURTIS WARREN KAMMAN, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

LESLIE M. ALEXANDER, OF FLORIDA
JOHNNIE CARSON, OF ILLINOIS
WILLIAM HARRISON COURTNEY, OF WEST VIRGINIA
PETER S. FLYNN, OF MASSACHUSETTS
OLIVER PASTRANO GARZA, OF TEXAS
RONALD D. GODARD, OF TEXAS
ANNE M. HACKETT, OF CALIFORNIA
MARK G. HAMBLEY, OF CALIFORNIA
DONNA J. HAMILTON, OF VIRGINIA
DONNA JEAN HRINAK, OF PENNSYLVANIA
DENNIS COLEMAN JETT, OF NEW MEXICO
STEVEN D. JOHNSON, M.D., OF GEORGIA
HARRY E. JONES, OF VIRGINIA
MELINDA L. KIMBLE, OF ARIZONA
JAMES A. LAROCOCCO, OF MICHIGAN
JAMES F. MACK, OF VIRGINIA
MARSHALL FLETCHER MCCALLIE, OF TENNESSEE
RICHARD A. MORFORD, OF VIRGINIA
LARRY C. NAPPER, OF TEXAS
J. MICHAEL O'BRIEN, OF PENNSYLVANIA
DONALD K. STEINBERG, OF CALIFORNIA
CAROL K. STOCKER, OF ILLINOIS
JENNIFER CLAUDETTE WARD, OF THE DISTRICT OF COLUMBIA
MOLLY K. WILLIAMSON, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

GARY ROY ALEXANDER, OF CALIFORNIA
OLLIE PALMER ANDERSON, JR., OF MARYLAND
MICHAEL R. ARIETTI, OF CONNECTICUT
MARSHALL F. ATKINS, OF FLORIDA
SHIRLEY ELIZABETH BARNES, OF NEW YORK
DAVID C. BENNETT, OF CALIFORNIA
PEGGY BLACKFORD, OF NEW JERSEY
CLIFFORD GEORGE BOND, OF NEW JERSEY
ANNA ANDERSON LEHEL BORG, OF THE DISTRICT OF COLUMBIA

JULEE A. BRAND, OF NEVADA
WILLIAM J. BRENCICK, OF MISSOURI
RALPH EDWIN BRESLER, OF VIRGINIA
SHAUN M. BYRNES, OF CALIFORNIA
GERALDEEN G. CHESTER, OF CALIFORNIA
GWEN C. CLARE, OF CONNECTICUT
JOHN R. DAWSON, OF NEW YORK
RICHARD W. ERDMAN, OF MARYLAND
JOHN SEABURY FORD, OF OHIO
W. DOUGLAS FRANK, OF MARYLAND
CONSTANCE J. FREEMAN, OF MARYLAND
DANIEL FRIED, OF CALIFORNIA
PATRICIA LASBURY HALL, OF CALIFORNIA
ERNESTINE S. HECK, OF OREGON
KEVIN F. HERBERT, OF NEW YORK
PAUL W. HILBURN, JR., OF VIRGINIA
FRANKLIN HUDDLE, JR., OF CALIFORNIA
MARIE T. HUHTALA, OF CALIFORNIA
CAMERON R. HUME, OF CONNECTICUT
MARILYN F. JACKSON, OF TEXAS
TERESA CHIN JONES, OF VIRGINIA
JIMMY J. KOLKER, OF SOUTH DAKOTA
SHELDON I. KREBS, OF WASHINGTON
JAMES B. LANE, JR., OF OHIO
GEORGE C. LANNON, OF TEXAS
DAVID C. LITT, OF FLORIDA
EILEEN ANNE MALLOY, OF CONNECTICUT
NANCY M. MASON, OF THE DISTRICT OF COLUMBIA
EDMUND F. MCWILLIAMS, JR., OF VIRGINIA
SHARON K. MERCURIO, OF CALIFORNIA
DAVID RICHARD MORAN, OF VIRGINIA
ROBERT B. NOLAN, OF VIRGINIA
JOHN MALCOLM ORDWAY, OF CALIFORNIA
BARBRO A. OWENS, OF CALIFORNIA
MILDRED ANNE PATTERSON, OF VIRGINIA
MARY C. PENDLETON, OF KENTUCKY
KATHERINE H. PETERSON, OF CALIFORNIA
WILLIAM PINCKNEY POPE, OF VIRGINIA
JOYCE B. RABENS, OF CALIFORNIA
ELIZABETH RASPOLIC, OF TEXAS
NEIL EDWARD SILVER, OF VIRGINIA
STEPHANIE A. SMITH, OF FLORIDA
ROBERT J. SMOLIK, OF CALIFORNIA
GARY S. USREY, OF VIRGINIA
HOWARD C. WIENER, III, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL WADE BECKNER, OF VIRGINIA
RICHARD A. BIENIA, M.D., OF VIRGINIA
DAVID P. BORTER, OF VIRGINIA
JOE H. CHADDIC, OF VIRGINIA
RICHARD M. GANNON, OF VIRGINIA
DOUGLAS PAUL HOBSON, M.D., OF VIRGINIA
JEROME M. LAFLEUR, OF LOUISIANA
KENNETH S. MCGUIRE, OF VIRGINIA
JANET ELAINE MULES, M.D., OF WASHINGTON
BRUCE T. MULLER, M.D., OF MICHIGAN
ROBERT LEROY RETKA, OF MARYLAND
GARY DAVID SCHATZ, OF OHIO
JOHN D. SLIGH, OF FLORIDA
BRIAN R. STICKNEY, OF VIRGINIA
WALLACE RAY WILLIAMS, OF WASHINGTON
THOMAS W. YUN, M.D., OF VIRGINIA

CONFIRMATION

Executive nomination confirmed by the Senate October 5, 1993:

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152, FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION:

DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 152, FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION:

To be Chairman of the Joint Chiefs of Staff

To be general

GEN. JOHN M. SHALIKASHVILI, XXX-XX-XX, U.S. ARMY.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. LAUTENBERG. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate at 4:55 p.m. recessed until Wednesday, October 6, 1993, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 1993:

DEPARTMENT OF STATE

ROBERT A. GILBERT, OF WASHINGTON, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

FOREIGN SERVICE

THE FOLLOWING-NAMED CARBARIAN MEMBERS OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARIES FOR INTERNATIONAL MATTERS:

FRANK A. ALABUQUERQUE, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

THE FOLLOWING-NAMED CARBARIAN MEMBERS OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARIES FOR INTERNATIONAL MATTERS:

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

JOHN E. BROWN, OF ALABAMA, A CARBARIAN MEMBER OF THE SENIOR FOREIGN SERVICE CLASS OF THE UNITED STATES OF AMERICA, CLASS OF 1970, FOR APPOINTMENT AS ASSISTANT SECRETARY FOR INTERNATIONAL MATTERS.

objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I am pleased to announce that the Senate has confirmed the nomination of General John M. Shalikashvili to be Chairman of the Joint Chiefs of Staff and to be general.

The amendment would simply reduce the amount of the appropriation and allow the Congress to determine specifically where the cuts would come from. I supported the amendment with the understanding that the Congress would apply these cuts fairly, through out the program and not target specific projects unfairly.

I realized that the bill contains funding for programs within my own State. Nevertheless, if we are sincere in our efforts to reduce the deficit, we must realize that cuts will eventually affect all. While this amendment did not pass, I thank my colleagues that I will continue my efforts to reduce Federal spending where appropriate.

ORDER OF BUSINESS

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. LAUTENBERG. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate convenes its business today, it stand in recess until 9:30 a.m. Wednesday, October 6, following the prayer, the reading of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 2750, the Department of Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LAUTENBERG. Madam President, I ask unanimous consent that